TRANSCRIPT OF RECORD.

SUPREME COURT OF THE UNITED STATES.

No. 406.

THE UNITED STATES, PLAINTIFF,

vs.

JAMES H. BRITTON.

ON A CERTIFICATE OF DIVISION IN OPINION BETWEEN THE JUDGES OF THE CIRCUIT COURT OF THE UNITED STATES FOR THE EASTERN DISTRICT OF MISSOURI.

FILED OCTOBER 18, 1880.

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1 UNITED STATES OF AMERICA,
Eastern District of Missouri, ss:

IN CASE NO. 1476, OF THE UNITED STATES, plaintiff,
against
JAMES H. BRITTON, DEFENDANT.

Be it remembered that on the 20th day of January, A. D. 1879, the grand jury of the United States of America in and for the eastern district of Missouri returned into the district court of said United States in and for said eastern district an indictment in the above entitled cause, which said indictment is in the words and figures following, to wit:

Indictment.

UNITED STATES OF AMERICA,
Eastern District of Missouri, ss:

In the district court of the United States in and said district, at the November term thereof, A. D. 1878.

The grand jurors of the United States, duly empaneled, sworn, and charged to enquire in and for the eastern district of Missouri, on their oaths present that James H. Britton, late of said district, on the thirtieth day of June, in the year of our Lord one thousand eight hundred and seventy-six, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized under
1½ and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did make in a certain book then and there belonging to and in use by the said association in transacting its said banking business, and then and there designated and known as "profit and loss, number six," a certain entry to the credit of a certain account known as profit and loss, which said entry was then and there in the words and figures following, that is to say:

"RICHARD L. DICKSON:

"182 days' int., 8 %, 132,673.49, to July 1, '76..... 5,365 88"

2 and which said entry, so as aforesaid made in said book, then and there purported to show, and did, in substance and effect, indicate and declare, that the sum of five thousand three hundred and sixty-five dollars and eighty-eight cents was then and there received by said association, on account of interest then and there due and payable to said association by one Richard L. Dickson.

And the jurors aforesaid, on their oaths aforesaid, do further present

that the said entry so made as aforesaid was then and there false in this, that the said sum of five thousand three hundred and sixty-five dollars and eighty-eight cents was not then and there received by said association on account of interest then and there due and payable to said association from the said Richard L. Dickson, as he, the said James H. Britton, then and there well knew; and that the said entry, so made as aforesaid, was then and there false in this, that the said sum of five thousand three hundred and sixty-five dollars and eighty-eight cents was not then and there received by said association upon any account from any source, as he, the said James H. Britton, then and there well knew; and that the said false entry was then and there made as aforesaid with the intent then and there on the part of him, the said James H. Britton, to deceive any agent who might be thereafter appointed by the Comptroller of the Currency to examine the affairs of said association, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

2. And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the thirtieth day of June, in the year of our Lord one thousand eight hundred and seventy-six, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did make in a certain book then and there belonging to and in use by the said association in transacting its said banking business, and then and there designated and known as "profit and loss, number six," a certain entry to the credit of a certain account known as profit and loss, which said entry was then and there in the words and figures following, that is to say:

3 "JNO. A. DILLON:

"182 d'ys' int.,	8 %	22,000,	to July	1, '76	.....	889	77	
"182 " " "		7,000,	" "	"	.....	283	11	
"182 " " "		3,000,	" "	"	.....	121	33	
								1,294 21"

4 and which said entry, so as aforesaid made in said book, then and there purported to show, and did, in substance and effect, indicate and declare, that the sum of one thousand two hundred and ninety-four dollars and twenty-one cents was then and there received by said association on account of interest then and there due and payable to said association by one John A. Dillon.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said entry so made as aforesaid was then and there false in this, that the said sum of one thousand two hundred and ninety-four dollars and twenty-one cents was not then and there received by said association on account of interest then and there due and payable to said association from the said John A. Dillon, as he, the said James H.

Britton, then and there well knew; and that the said entry, so made as aforesaid, was then and there false in this, that the said sum of one thousand two hundred and ninety-four dollars and twenty-one cents was not then and there received by said association upon any account from any source, as he, the said James H. Britton, then and there well knew; and that the said false entry was then and there made as aforesaid with the intent then and there on the part of him, the said James H. Britton, to deceive any agent who might be thereafter appointed by the Comptroller of the Currency to examine the affairs of said association, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

3. And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the thirtieth day of June, in the year of our Lord one thousand eight hundred and seventy-six, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did make in a certain book then and there belonging to and in use by the said association in transacting its said banking business, and then and there designated and known as "profit and loss, number six," a certain entry to the credit of a certain account known as profit and loss, which said entry was then and there in the words and figures following, that is to say:

5 "JAMES F. HOW:

"182 d'ys' int., 8 %, 85,500, to July 1, '76..... 3,458"

6 and which said entry, so as aforesaid made in said book, then and there purported to show, and did, in substance and effect, indicate and declare, that the sum of three thousand four hundred and fifty-eight dollars was then and there received by said association on account of interest then and there due and payable to said association by one James F. How.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said entry, so made as aforesaid, was then and there false in this, that the sum of three thousand four hundred and fifty-eight dollars was not then and there received by said association on account of interest then and there due and payable to said association from the said James F. How, as he, the said James H. Britton, then and there well knew; and that the said entry, so made as aforesaid, was then and there false in this, that the said sum of three thousand four hundred and fifty-eight dollars and cents was not then and there received by said association upon any account from any source, as he, the said James H. Britton, then and there well knew; and that the said false entry was then and there made as aforesaid with the intent then and there on the part of him, the said James H. Britton, to deceive any agent who might be thereafter appointed by the Comptroller of the Currency to examine the affairs of said association, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

4. And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the thirtieth day of June, in the year of our Lord one thousand eight hundred and seventy-six, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did make in a certain book then and there belonging to and in use by the said association in transacting its said banking business, and then and there designated and known as "profit and loss, number six," a certain entry to the credit of a certain account known as profit and loss, which said entry was then and there in the words and figures following, that is to say:

7 "JOHN J. ROE:

"182 d'ys' int., @ 7 %;	65,000.	to July 1, '76.. .	2,300	27		
"182 " " " "	35,000,	" " "	1,238	60		
					3,538	87"

8 and which said entry, so as aforesaid made in said book, then and there purported to show, and did, in substance and effect, indicate and declare, that the sum of three thousand five hundred and thirty-eight dollars and eighty-seven cents was then and there received by said association on account of interest then and there due and payable to said association by one John J. Roe.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said entry, so made as aforesaid, was then and there false in this, that the said sum of three thousand five hundred and thirty-eight dollars and eighty-seven cents was not then and there received by said association on account of interest then and there due and payable to said association from the said John J. Roe, as he, the said James H. Britton, then and there well knew; and that the said entry, so made as aforesaid, was then and there false in this, that the said sum of three thousand five hundred and thirty-eight dollars and eighty-seven cents was not then and there received by said association upon any account from any source, as he, the said James H. Britton, then and there well knew; and that the said false entry was then and there made as aforesaid with the intent then and there on the part of him, the said James H. Britton, to deceive any agent who might be thereafter appointed by the Comptroller of the Currency to examine the affairs of said association, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

5. And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the thirtieth day of June, in the year of our Lord one thousand eight hundred and seventy-six, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis,"

which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did make in a certain book then and there belonging to and in use by the said association in transacting its said banking business, and then and there designated and known as "profit and loss, number six," a certain entry to the credit of a certain account known as profit and loss, which said entry was then and there in the words and figures following, that is to say:

9 "JOHN A. UBSDELL:

"182	days'	int.,	@	7	%,	15,000,	to	July	1,	'76..	530	84
"182	"	"	"	"		8,188.50,	"	"	"	" ..	289	79
"182	"	"	"	"		12,000,	"	"	"	" ..	424	66
"182	"	"	"	"		10,000,	"	"	"	" ..	353	88
"182	"	"	"	"		10,000,	"	"	"	" ..	353	88
"182	"	"	"	"		10,000,	"	"	"	" ..	353	88
"182	"	"	"	8	%,	2,790,	"	"	"	" ..	112	81
"182	"	"	"	"		128,000,	"	"	"	" ..5,	176	88
											7,596	62"

10 and which said entry, so as aforesaid made in said book, then and there purported to show, and did, in substance and effect, indicate and declare, that the sum of seven thousand five hundred and ninety-six dollars, and sixty-two cents was then and there received by said association on account of interest then and there due and payable to said association by one John A. Ubsdell.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said entry, so made as aforesaid, was then and there false in this, that the said sum of seven thousand five hundred and ninety-six dollars and sixty-two cents was not then and there received by said association on account of interest then and there due and payable to said association from the said John A. Ubsdell, as he, the said James H. Britton, then and there well knew; and that the said entry, so made as aforesaid, was then and there false in this, that the said sum of seven thousand five hundred and ninety-six dollars and sixty-two cents was not then and there received by said association upon any account from any source, as he, the said James H. Britton, then and there well knew; and that the said false entry was then and there made as aforesaid with the intent then and there on the part of him, the said James H. Britton, to deceive any agent who might be thereafter appointed by the Comptroller of the Currency to examine the affairs of said association, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

6. And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the thirtieth day of June, in the year of our Lord one thousand eight hundred and seventy-six, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized under and by

virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did make in a certain book then and there belonging to and in use by the said association in transacting its said banking business, and then and there designated and known as "profit and loss, number six," a certain entry to the credit of a certain account known as profit and loss, which said entry was then and there in the words and figures following, that is to say:

11 "GEO. F. BRITTON:

"182 d'ys' int., @ 8 %, 25,319.35, to July 1, '76..... .. 1,024 01"

12 and which said entry, so as aforesaid made in said book, then and there purported to show, and did, in substance and effect, indicate and declare, that the sum of one thousand and twenty-four dollars and one cent was then and there received by said association on account of interest then and there due and payable to said association by one George F. Britton.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said entry, so made as aforesaid, was then and there false in this, that the said sum of one thousand and twenty-four dollars and one cent was not then and there received by said association on account of interest then and there due and payable to said association from the said George F. Britton, as he, the said James H. Britton, then and there well knew; and that the said entry, so made as aforesaid, was then and there false in this, that the said sum of one thousand and twenty-four dollars and one cent was not then and there received by said association upon any account from any source, as he, the said James H. Britton, then and there well knew; and that the said false entry was then and there made as aforesaid with the intent then and there on the part of him, the said James H. Britton, to deceive any agent who might be thereafter appointed by the Comptroller of the Currency to examine the affairs of said association, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

7. And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the thirtieth day of June, in the year of our Lord one thousand eight hundred and seventy-six, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did make in a certain book then and there belonging to and in use by the said association in transacting its said banking business, and then and there designated and known as "profit and loss, number six," a certain entry to the credit of a certain account known as profit and loss, which said

entry was then and there in the words and figures following, that is to say:

13 "A. M. BRITTON:

"182 d'ys' int., 8 %, 37,122.67, to July 1, '76 ..... 1,501 42"

14 and which said entry, so as aforesaid made in said book, then and there purported to show, and did, in substance and effect, indicate and declare, that the sum of one thousand five hundred and one dollars and forty-two cents was then and there received by said association on account of interest then and there due and payable to said association by one Alfred M. Britton.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said entry, so made as aforesaid, was then and there false in this, that the said sum of one thousand five hundred and one dollars and forty-two cents was not then and there received by said association on account of interest then and there due and payable to said association from the said Alfred M. Britton, as he, the said James H. Britton, then and there well knew; and that the said entry, so made as aforesaid, was then and there false in this, that the said sum of one thousand five hundred and one dollars and forty-two cents was not then and there received by said association upon any account from any source, as he, the said James H. Britton, then and there well knew; and that the said false entry was then and there made as aforesaid with the intent then and there on the part of him, the said James H. Britton, to deceive any agent who might be thereafter appointed by the Comptroller of the Currency to examine the affairs of said association, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

8. And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the thirtieth day of June, in the year of our Lord one thousand eight hundred and seventy-six, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did make in a certain book then and there belonging to and in use by the said association in transacting its said banking business, and then and there designated and known as "profit and loss, number six," a certain entry to the credit of a certain account known as profit and loss, which said entry was then and there in the words and figures following, that is to say:

15 "JAMES H. BRITTON:

"99	d'ys'	int.,	8 %,	60,000,	to	July	1,	'76	.....	1,320	
"182	"	"	"	53,500,	"	"	"	"	.....	2,163	77
"182	"	"	"	45,576.70,	"	"	"	"	.....	1,843	08
"182	"	"	"	22,168.40,	"	"	"	"	.....	896	56
"182	"	"	"	6,000,	"	"	"	"	.....	242	66
"182	"	"	"	6,000,	"	"	"	"	.....	202	22

"182 " " " 27,000, " " " " 1,092
"182 " " " 6,500, " " " " 262 89
"182 " " " 10,000, " " " " 404 44
"182 " " " 7,500, " " " " 303 33
8,730 95"

16 and which said entry, so as aforesaid made in said book, then and there purported to show, and did, in substance and effect, indicate and declare, that the sum of eight thousand seven hundred and thirty dollars and ninety-five cents was then and there received by said association on account of interest then and there due and payable to said association by one James H. Britton.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said entry, so made as aforesaid, was then and there false in this, that the said sum of eight thousan' seven hundred and thirty dollars and ninety-five cents was not then and there received by said association on account of interest then and there due and payable to said association from the said James H. Britton, as he, the said James H. Britton, then and there well knew; and that the said entry, so made as aforesaid, was then and there false in this, that the said sum of eight thousand seven hundred and thirty dollars and ninety-five cents was not then and there received by said association upon any account from any source, as he, the said James H. Britton, then and there well knew; and that the said false entry was then and there made as aforesaid with the intent then and there on the part of him, the said James H. Britton, to deceive any agent who might be thereafter appointed by the Comptroller of the Currency to examine the affairs of said association, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

9. And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the thirtieth day of June, in the year of our Lord one thousand eight hundred and seventy-six, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did make in a certain book then and there belonging to and in use by the said association in transacting its said banking business, and then and there designated and known as "profit and loss, number six," a certain entry to the credit of a certain account known as profit and loss, which said entry was then and there in the words and figures following, that is to say:

17 "GEO. C. FABIAN:

"182 d'ys' int., @ 8%, 76,000, to July 1, '76 ..... 3,073 77"

18 and which said entry, so as aforesaid made in said book, then and there purported to show, and did, in substance and effect, indicate and declare, that the sum of three thousand and seventy-three dollars and seventy-seven cents was then and there received by said

association on account of interest then and there due and payable to said association by one George C. Fabian.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said entry, so made as aforesaid, was then and there false in this, that the said sum of three thousand and seventy-three dollars and seventy-seven cents was not then and there received by said association on account of interest then and there due and payable to said association from the said George C. Fabian, as he, the said James H. Britton, then and there well knew; and that the said entry, so made as aforesaid, was then and there false in this, that the said sum of three thousand and seventy-three dollars and seventy-seven cents was not then and there received by said association upon any account from any source, as he, the said James H. Britton, then and there well knew; and that the said false entry was then and there made as aforesaid with the intent then and there on the part of him, the said James H. Britton, to deceive any agent who might be thereafter appointed by the Comptroller of the Currency, to examine the affairs of said association, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

10. And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the thirtieth day of June, in the year of our Lord one thousand eight hundred and seventy-six, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did make in a certain book then and there belonging to and in use by the said association in transacting its said banking business, and then and there designated and known as "profit and loss, number six," a certain entry to the credit of a certain account known as profit and loss, which said entry was then and there in the words and figures following, that is to say:

19 "JULIUS S. WALSH:

"182 d'ys' int., @ 8 %, 15,000, to July 1, '76	606 67	
"182 " " " 10,125, " "	409 50	
		1,016 17"

20 and which said entry, so as aforesaid made in said book, then and there purported to show, and did, in substance and effect, indicate and declare, that the sum of one thousand and sixteen dollars and seventeen cents was then and there received by said association on account of interest then and there due and payable to said association by one Julius S. Walsh.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said entry, so made as aforesaid, was then and there false in this, that the said sum of one thousand and sixteen dollars and seventeen cents was not then and there received by said association on ac-

count of interest then and there due and payable to said association from the said Julius S. Walsh, as he, the said James H. Britton, then and there well knew; and that the said entry, so made as aforesaid, was then and there false in this, that the said sum of one thousand and sixteen dollars and seventeen cents was not then and there received by said association upon any account from any source, as he, the said James H. Britton, then and there well knew; and that the said false entry was then and there made as aforesaid with the intent then and there on the part of him, the said James H. Britton, to deceive any agent who might be thereafter appointed by the Comptroller of the Currency to examine the affairs of said association, contrary to the form of the statute of the United States in such cases made and provided, and against their peace and dignity.

11. And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the thirtieth day of June, in the year of our Lord one thousand eight hundred and seventy-six, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did make in a certain book then and there belonging to and in use by the said association in transacting its said banking business, and then and there designated and known as "profit and loss, number six," a certain entry to the credit of a certain account, known as profit and loss, which said entry was then and there in the words and figures following, that is to say:

"65,000

21 " " " J. H. Britton ....77,000—$142,000...4,970"

22 and which said entry, so as aforesaid made in said book, then and there purported to show, and did, in substance and effect, indicate and declare that the sum of four thousand nine hundred and seventy dollars was then and there received by said association on account of interest then and there due and payable to said association by one James H. Britton.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said entry, so made as aforesaid, was then and there false in this, that the said sum of four thousand nine hundred and seventy dollars was not then and there received by said association on account of interest then and there due and payable to said association from the said James H. Britton, as he, the said James H. Britton, then and there well knew; and that the said entry, so made as aforesaid, was then and there false in this, that the said sum of four thousand nine hundred and seventy dollars and cents was not then and there received by said association upon any account from any source, as he, the said James H. Britton, then and there well knew; and that the said false entry was then and there made as aforesaid with the intent then and there on the part of him, the said James H. Britton, to deceive any agent who might be thereafter appointed by the Comptroller of the Currency to examine the affairs of said association, contrary to the form of

the statute of the United States in such case made and provided, and against their peace and dignity.

12. And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the thirtieth day of June, in the year of our Lord one thousand eight hundred and seventy-six, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did make in a certain book then and there belonging to and in use by the said association in transacting its said banking business, and then and there designated and known as "profit and loss, number six," a certain entry to the credit of a certain account known as profit and loss, which said entry was then and there in the words and figures following, that is to say:

23

"47,452.50
"75,000
"37,000
"35,000
" " " J. B. Eads ...78,000—$262,452.50 ..... 9,255 84"

24 and which said entry, so as aforesaid made in said book, then and there purported to show, and did, in substance and effect, indicate and declare, that the sum of nine thousand two hundred and fifty-five dollars and eighty-four cents was then and there received by said association on account of interest then and there due and payable to said association by one James B. Eads.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said entry, so made as aforesaid, was then and there false in this, that the said sum of nine thousand two hundred and fifty-five dollars and eighty-four cents was not then and there received by said association on account of interest then and there due and payable to said association from the said James B. Eads, as he, the said James H. Britton, then and there well knew; and that the said entry, so made as aforesaid, was then and there false in this, that the said sum of nine thousand two hundred and fifty-five dollars and eighty-four cents was not then and there received by said association upon any account from any source, as he, the said James H. Britton, then and there well knew; and that the said false entry was then and there made as aforesaid with the intent then and there on the part of him, the said James H. Britton, to deceive any agent who might be thereafter appointed by the Comptroller of the Currency to examine the affairs of said association, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

13. And the jurors aforesaid, on their oath aforesaid, do further present that the said James H. Britton, late of said district, on the thirtieth day of June, in the year of our Lord one thousand eight hundred and seventy-six, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis,"

which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did make in a certain book then and there belonging to and in use by the said association in transacting its said banking business, and then and there designated and known as "profit and loss, number six," a certain entry to the credit of a certain account known as profit and loss, which said entry was then and there in the words and figures following, that is to say:

25 "RICHARD L. DICKSON:

"182 d'ys' int., 8 %, 132,673.49, to July 1, '76.....5365 88"

26 and which said entry, so as aforesaid made in said book, then and there purported to show, and did, in substance and effect, indicate and declare, that the sum of five thousand three hundred and sixty-five dollars and eighty-eight cents was then and there received by said association on account of interest then and there due and payable to said association by one Richard L. Dickson.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said entry, so made as aforesaid, was then and there false in this, that the said sum of five thousand three hundred and sixty-five dollars and eighty-eight cents was not then and there received by said association on account of interest then and there due and payable to said association from the said Richard L. Dickson, as he, the said James H. Britton, then and there well knew; and that the said entry, so made as aforesaid, was then and there false in this, that the said sum of five thousand three hundred and sixty-five dollars and eighty-eight cents was not then and there received by said association upon any account from any source, as he, the said James H. Britton, then and there well knew; and that the said false entry was then and there made as aforesaid with the intent then and there on the part of him, the said James H. Britton, to deceive any agent who might be thereafter appointed by the Comptroller of the Currency to examine the affairs of said association, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

14. And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the thirtieth day of June, in the year of our Lord one thousand eight hundred and seventy-six, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did make in a certain book then and there belonging to and in use by the said association in transacting its said banking business, and then and there

designated and known as "profit and loss, number six," a certain entry to the credit of a certain account known as profit and loss, which said entry was then and there in the words and figures following, that is to say:

27 "JAMES F. HOW:

"182 d'ys' int., 8%, 85,500, to July 1, '76 .....3,458"

28 and which said entry, so as aforesaid made in said book, then and there purported to show, and did, in substance and effect, indicate and declare, that the sum of three thousand four hundred and fifty eight dollars was then and there received by said association on account of interest then and there due and payable to said association by one James F. How.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said entry, so made as aforesaid, was then and there false in this, that the said sum of three thousand four hundred and fifty-eight dollars was not then and there received by said association on account of interest then and there due and payable to said association from the said James F. How, as he, the said James H. Britton, then and there well knew; and that the said entry, so made as aforesaid, was then and there false in this, that the said sum of three thousand four hundred and fifty-eight dollars was not then and there received by said association upon any account from any source, as he, the said James H. Britton, then and there well knew; and that the said false entry was then and there made as aforesaid with the intent then and there on the part of him, the said James H. Britton, to deceive any agent who might be thereafter appointed by the Comptroller of the Currency to examine the affairs of said association, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

15. And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the thirtieth day of June, in the year of our Lord one thousand eight hundred and seventy-six, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did make in a certain book then and there belonging to and in use by the said association in transacting its said banking business, and then and there designated and known as "profit and loss, number six," a certain entry to the credit of a certain account known as profit and loss, which said entry was then and there in the words and figures following, that is to say:

29 "JOHN J. ROE:

"182 d'ys' int., @ 7%, 65,000, to July 1, '76.....2,300 27
"182 " " " 35,000, " " 1,238 60
3,538 87"

30 and which entry, so as aforesaid made in said book, then and

there purported to show, and did, in substance and effect, indicate and declare, that the sum of three thousand five hundred and thirty-eight dollars and eighty-seven cents was then and there received by said association on account of interest then and there due and payable to said association by one John J. Roe.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said entry, so made as aforesaid, was then and there false in this, that the said sum of three thousand five hundred and thirty-eight dollars and eighty-seven cents was not then and there received by said association on account of interest then and there due and payable to said association from the said John J. Roe, as he, the said James H. Britton, then and there well knew; and that the said entry, so made as aforesaid, was then and there false in this, that the said sum of three thousand five hundred and thirty-eight dollars and eighty-seven cents was not then and there received by said association upon any account from any source, as he, the said James H. Britton, then and there well knew, and that the said false entry was then and there made as aforesaid with the intent then and there on the part of him, the said James H. Britton, to deceive any agent who might be thereafter appointed by the Comptroller of the Currency to examine the affairs of said association, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

16. And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the thirtieth day of December, in the year of our Lord one thousand eight hundred and seventy-six, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did make in a certain book then and there belonging to and in use by the said association in transacting its said banking business, and then and there designated and known as "profit and loss, number six," a certain entry to the credit of a certain account known as profit and loss, which said entry was then and there in the words and figures following, that is to say:

31 "RICHARD L. DICKSON:

"184 d'ys' int., @ 8 %, 132,673.49, to Janu'ry 1, '77..... 5,424 84"

32 and which said entry, so as aforesaid made in said book, then and there purported to show, and did, in substance and effect, indicate and declare that the sum of five thousand four hundred and twenty-four dollars and eighty-four cents was then and there received by said association on account of interest then and there due and payable to said association by one Richard L. Dickson.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said entry so made as aforesaid was then and there false in this, that the said sum of five thousand four hundred and twenty-four dollars and eighty-four cents was not then and there received by said

association on account of interest then and there due and payable to said association from the said Richard L. Dickson, as he, the said James H. Britton, then and there well knew; and that the said entry so made as aforesaid was then and there false in this, that the said sum of five thousand four hundred and twenty-four dollars and eighty-four cents was not then and there received by said association upon any account from any source, as he, the said James H. Britton, then and there well knew; and that the said false entry was then and there made as aforesaid with the intent then and there on the part of him, the said James H. Britton, to deceive any agent who might be thereafter appointed by the Comptroller of the Currency to examine the affairs of said association, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

17. And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the thirtieth day of December, in the year of our Lord one thousand eight hundred and seventy-six, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did make in a certain book then and there belonging to and in use by the said association in transacting its said banking business, and then and there designated and known as "profit and loss, number six," a certain entry to the credit of a certain account known as profit and loss, which said entry was then and there in the words and figures following, that is to say:

33 "JOHN A. DILLON:

"184	d'ys'	int.,	8 %	22,200,	to	Janu'ry 1, '77	.....	899 58
"184	"	"	"	7,000,	"	"	.....	286 23
"184	"	"	"	3,000,	"	"	.....	122 67
								1,308 46"

34 and which said entry, so as aforesaid made in said book, then and there purported to show, and did, in substance and effect, indicate and declare, that the sum of one thousand three hundred and eight dollars and forty-six cents was then and there received by said association on account of interest then and there due and payable to said association by one John A. Dillon.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said entry, so made as aforesaid, was then and there false in this, that the said sum of one thousand three hundred and eight dollars and forty-six cents was not then and there received by said association on account of interest then and there due and payable to said association from the said John A. Dillon, as he, the said James H. Britton, then and there well knew; and that the said entry, so made as aforesaid, was then and there false in this, that the said sum of one thousand three hundred and eight dollars and forty-six cents was not then and there received by said association upon any account from any source, as he, the said James H. Britton, then and there well knew; and that the said false entry was then and there made as aforesaid,

with the intent then and there on the part of him, the said James H. Britton, to deceive any agent who might be thereafter appointed by the Comptroller of the Currency to examine the affairs of said association, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

18. And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the thirtieth day of December, in the year of our Lord one thousand eight hundred and seventy-six, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did make in a certain book then and there belonging to and in use by the said association in transacting its said banking business, and then and there designated and known as "profit and loss, number six," a certain entry to the credit of a certain account known as profit and loss, which said entry was then and there in the words and figures following, that is to say:

35 "C. W. BATES:

"184 d'ys' int., @ 8 %, 27,052, to Janua'y 1, '77 .... 1,106 12
"184 " " 8 %, 6,210, " " 253 91
————1,360 03"

36 and which said entry, so as aforesaid made in said book, then and there purported to show, and did, in substance and effect, indicate and declare, that the sum of one thousand three hundred and sixty dollars and three cents was then and there received by said association on account of interest then there due and payable to said association by one C. W. Bates, whose christian name is to said jurors unknown.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said entry, so made as aforesaid, was then and there false in this, that the said sum of one thousand three hundred and sixty dollars and three cents was not then and there received by said association on account of interest then and there due and payable to said association from the said C. W. Bates, as he, the said James H. Britton, then and there well knew; and that the said entry, so made as aforesaid, was then and there false in this, that the said sum of one thousand three hundred and sixty dollars and three cents was not then and there received by said association upon any account from any source, as he, the said James H. Britton, then and there well knew; and that the said false entry was then and there made as aforesaid with the intent then and there on the part of him, the said James H. Britton, to deceive any agent who might be thereafter appointed by the Comptroller of the Currency to examine the affairs of said association, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

19. And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the thirtieth day

of December, in the year of our Lord one thousand eight hundred and seventy-six, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did make in a certain book then and there belonging to and in use by the said association in transacting its said banking business, and then and there designated and known as "profit and loss, number six," a certain entry to the credit of a certain account known as profit and loss, which said entry was then and there in the words and figures following, that is to say:

37 "JULIUS S. WALSH:

"184 d'ys, int., @ 8 %, 15,000, to Janu'y 1, '77 ..... 613 33
"185 " " " 10,125, " " " 414
——— 1,027 33"

38 and which said entry, so as aforesaid made in said book, then and there purported to show, and did, in substance and effect, indicate and declare, that the sum of one thousand and twenty-seven dollars and thirty-three cents was then and there received by said association on account of interest then and there due and payable to said association by one Julius S. Walsh.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said entry, so made as aforesaid, was then and there false in this, that the said sum of one thousand and twenty-seven dollars and thirty-three cents was not then and there received by said association on account of interest then and there due and payable to said association from the said Julius Walsh, as he, the said James H. Britton, then and there well knew; and that the said entry, so made as aforesaid, was then and there false in this, that the said sum of one thousand and twenty-seven dollars and thirty-three cents was not then and there received by said association upon any account from any source, as he, the said James H. Britton, then and there well knew; and that the said false entry was then and there made as aforesaid, with the intent then and there on the part of him, the said James H. Britton, to deceive any agent who might be thereafter appointed by the Comptroller of the Currency to examine the affairs of said association, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

20. And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the thirtieth day of December, in the year of our Lord one thousand eight hundred and seventy-six, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to

provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did make in a certain book then and there belonging to and in use by the said association in transacting its said banking business, and then and there designated and known as "profit and loss, number six," a certain entry to the credit of a certain account known as profit and loss, which said entry was then and there in the words and figures following, that is to say:

39 "JOHN J. ROE:

"184 d'ys' int., 7 %, 65,000, to Jan'ry 1 '77.....	2,325	53
" " " " " 35,000, " " " "	1,252	22
	3,577	77"

40 and which said entry, so as aforesaid made in said book, then and there purported to show, and did, in substance and effect, indicate and declare, that the sum of three thousand five hundred and seventy-seven dollars and seventy-seven cents was then and there received by said association on account of interest then and there due and payable to said association by one John J. Roe.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said entry, so made as aforesaid, was then and there false in this, that the said sum of three thousand five hundred and seventy-seven dollars and seventy-seven cents was not then and there received by said association on account of interest then and there due and payable to said association from the said John J. Roe, as he, the said James H. Britton, then and there well knew; and that the said entry, so made as aforesaid, was then and there false in this, that the said sum of three thousand five hundred and seventy-seven dollars and seventy-seven cents was not then and there received by said association upon any account from any source, as he, the said James H. Britton, then and there well knew; and that the said false entry was then and there made as aforesaid, with the intent then and there on the part of him, the said James H. Britton, to deceive any agent who might be thereafter appointed by the Comptroller of the Currency to examine the affairs of said association, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

21. And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the thirtieth day of December, in the year of our Lord one thousand eight hundred and seventy-six, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United State bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did make in a certain book then and there belonging to and in use by the said association in transacting its said banking business, and then and there

designated and known as "profit and loss, number six," a certain entry to the credit of a certain account known as profit and loss, which said entry was then and there in the words and figures following, that is to say:

41 "GEO. C. FABIAN:

"184 d'ys' int., 8 %, 76,000, to Jan'y 1, '77 ..... 3,107 56"

42 and which said entry, so as aforesaid made in said book, then and there purported to show, and did, in substance and effect, indicate and declare, that the sum of three thousand one hundred and seven dollars and fifty-six cents was then and there received by said association on account of interest then and there due and payable to said association by one George C. Fabian.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said entry, so made as aforesaid, was then and there false in this, that the said sum of three thousand one hundred and seven dollars and fifty-six cents was not then and there received by said association on account of interest then and there due and payable to said association from the said George C. Fabian, as he, the said James H. Britton, then and there well knew; and that the said entry, so made as aforesaid, was then and there false in this, that the said sum of three thousand one hundred and seven dollars and fifty-six cents was not then and there received by said association upon any account from any source, as he, the said James H. Britton, then and there well knew; and that the said false entry was then and there made as aforesaid, with the intent then and there on the part of him, the said James H. Britton, to deceive any agent who might be thereafter appointed by the Comptroller of the Currency to examine the affairs of said association, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

22. And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the thirtieth day of December, in the year of our Lord one thousand eight hundred and seventy-six, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did make in a certain book then and there belonging to and in use by the said association in transacting its said banking business, and then and there designated and known as "profit and loss, number six," a certain entry to the credit of a certain account known as profit and loss, which said entry was then and there in the words and figures following, that is to say:

43 "BARRETT WILLIAMS:

"Balance of int., @ 8 %, 13,457.68, to Jan'ry 1, '77 ..... 573 08"

44 and which said entry, so as aforesaid made in said book, then and there purported to show, and did, in substance and effect,

indicate and declare, that the sum of five hundred and seventy-three dollars and eight cents was then and there received by said association on account of interest then and there due and payable to said association by one Barrett Williams.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said entry, so made as aforesaid, was then and there false in this, that the said sum of five hundred and seventy-three dollars and eight cents was not then and there received by said association on account of interest then and there due and payable to said association from the said Barrett Williams, as he, the said James H. Britton, then and there well knew; and that the said entry, so made as aforesaid, was then and there false in this, that the said sum of five hundred and seventy-three dollars and eight cents was not then and there received by said association upon any account from any source, as he, the said James H. Britton, then and there well knew; and that the said false entry was then and there made as aforesaid with the intent then and there on the part of him, the said James H. Britton, to deceive any agent who might be thereafter appointed by the Comptroller of the Currency to examine the affairs of said association, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

23. And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the thirtieth day of December, in the year of our Lord one thousand eight hundred and seventy-six, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did make in a certain book then and there belonging to and in use by the said association in transacting its said banking business, and then and there designated and known as "profit and loss, number six," a certain entry to the credit of a certain account known as profit and loss, which said entry was then and there in the words and figures following, that is to say:

45 "JOHN A. DILLON:

"184 d'ys' int., @ 8 %, 41,000, to Jan'y 1, '77 ..... 1,676 44"

46 and which said entry, so as aforesaid made in said book, then and there purported to show, and did, in substance and effect, indicate and declare, that the sum of one thousand six hundred and seventy-six dollars and forty-four cents was then and there received by said association on account of interest then and there due and payable to said association by one John A. Dillon.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said entry, so made as aforesaid, was then and there false in this, that the said sum of one thousand six hundred and seventy-six dollars and forty-four cents was not then and there received by said association on account of interest then and there due and payable to said

association from the said John A. Dillon, as he, the said James H. Britton, then and there well knew; and that the said entry, so made as aforesaid was then and there false in this, that the said sum of one thousand six hundred and seventy-six dollars and forty-four cents was not then and there received by said association upon any account from any source, as he, the said James H. Britton, then and there well knew; and that the said false entry was then and there made as aforesaid with the intent then and there on the part of him, the said James H. Britton, to deceive any agent who might be thereafter appointed by the Comptroller of the Currency to examine the affairs of said association, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

24. And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the thirtieth day of December, in the year of our Lord one thousand eight hundred and seventy-six, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did make in a certain book then and there belonging to and in use by the said association in transacting its said banking business, and then and there designated and known as "profit and loss, number six," a certain entry to the credit of a certain account known as profit and loss, which said entry was then and there in the words and figures following, that is to say:

47 "JAMES F. HOW:

"184 d'ys' int., 8%, 85,500, to Jan'y 1, '77..... .....3,496"

48 and which said entry, so as aforesaid made in said book, then and there purported to show, and did, in substance and effect, indicate and declare, that the sum of three thousand four hundred and ninety-six dollars was then and there received by said association on account of interest then and there due and payable to said association by one James F. How.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said entry, so made as aforesaid, was then and there false in this, that the said sum of three thousand four hundred and ninety-six dollars was not then and there received by said association on account of interest then and there due and payable to said association from the said James F. How, as he, the said James H. Britton, then and there well knew; and that the said entry, so made as aforesaid, was then and there false in this, that the said sum of three thousand four hundred and ninety-six dollars was not then and there received by said association upon any account from any source, as he, the said James H. Britton, then and there well knew; and that the said false entry was then and there made as aforesaid, with the intent then and there on the part of him, the said James H. Britton, to deceive any agent who might be thereafter appointed by the Comptroller of the Currency to

examine the affairs of said association, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

24. And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the thirtieth day of December, in the year of our Lord one thousand eight hundred and seventy-six, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did make in a certain book then and there belonging to and in use by the said association in transacting its said banking business, and then and there designated and known as "profit and loss, number six," a certain entry to the credit of a certain account known as profit and loss, which said entry was then and there in the words and figures following, that is to say:

49 "BARTON BATES:

"184	d'ys'	int.,	8 %	11,786.18,	to	Janu'y	'77	481	91
"184	"	"	"	60,000,	"	"	"	2,453	33
"184	"	"	"	5,000,	"	"	"	204	44
"184	"	"	"	2,000,	"	"	"	81	77
"184	"	"	"	15,000,	"	"	"	613	33
"184	"	"	"	5,420,	"	"	"	221	61
"184	"	"	"	4,000,	"	"	"	163	56
"184	"	"	"	5,420,	"	"	"	221	61
"184	"	int.,	7 %	25,000,	"	"	"	894	85
								5,336	01"

50 and which said entry, so as aforesaid made in said book, then and there purported to show, and did, in substance and effect, indicate and declare, that the sum of five thousand three hundred and thirty-six dollars and one cent was then and there received by said association on account of interest then and there due and payable to said association by one Barton Bates.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said entry, so made as aforesaid, was then and there false in this, that the said sum of five thousand three hundred and thirty six dollars and one cents was not then and there received by said association on account of interest then and there due and payable to said association from the said Barton Bates, as he, the said James H. Britton, then and there well knew; and that the said entry, so made as aforesaid, was then and there false in this, that the said sum of five thousand three hundred and thirty-six dollars and one cent was not then and there received by said association upon any account from any source, as he, the said James H. Britton, then and there well knew; and that the said false entry was then and there made as aforesaid with the intent then and there on the part of him, the said James H. Britton, to deceive any agent who might be thereafter appointed by the Comptroller of the

Currency to examine the affairs of said association, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

26. And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the thirtieth day of December, in the year of our Lord one thousand eight hundred and seventy-six, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did make in a certain book then and there belonging to and in use by the said association in transacting its said banking business, and then and there designated and known as "profit and loss, number six," a certain entry to the credit of a certain account known as profit and loss, which said entry was then and there in the words and figures following, that is to say:

51 "JOHN A. UBSDELL:

"184	d'ys' int., @ 7 %,	15,000,	to	Jan'y	1, '77	..	536	67	
"184	" " "	8,188.50,	"	"	"	..	292	97	
"184	" " "	12,000,	"	"	"	..	429	33	
"184	" " "	10,000,	"	"	"	..	357	78	
"184	" " "	10,000,	"	"	"	..	357	78	
"184	" " "	10,000,	"	"	"	..	357	78	
"184	d'ys' at 8 %,	2,790,	"	"	"	..	114	07	
"184	" " "	128,000,	"	"	"	..	5,233	77	
									7,680 15"

52 and which said entry, so as aforesaid made in said book, then and there purported to show, and did, in substance and effect, indicate and declare, that the sum of seven thousand six hundred and eighty dollars and fifteen cents was then and there received by said association on account of interest then and there due and payable to said association by one John A. Ubsdell.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said entry, so made as aforesaid, was then and there false in this, that the said sum of seven thousand six hundred and eighty dollars and fifteen cents was not then and there received by said association on account of interest then and there due and payable to said association from the said John A. Ubsdell, as he, the said James H. Britton, then and there well knew; and that the said entry, so made as aforesaid, was then and there false in this, that the said sum of seven thousand six hundred and eighty dollars and fifteen cents was not then and there received by said association upon any account from any source, as he, the said James H. Britton, then and there well knew; and that the said false entry was then and there made as aforesaid with the intent then and there on the part of him, the said James H. Britton, to deceive any agent who might be thereafter appointed by the Comptroller of the Currency to examine the affairs of said association, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

27. And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the thirtieth day of December, in the year of our Lord one thousand eight hundred and seventy-six, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did make in a certain book then and there belonging to and in use by the said association in transacting its said banking business, and then and there designated and known as "profit and loss, number six," a certain entry to the credit of a certain account known as profit and loss, which said entry was then and there in the words and figures following, that is to say:

53 "JAS. B. EADS:

"184 d'ys' int., 8%,	66,830,	to Janu'y	1, '77.....	2,732	60
"181 " " "	32,789.89,	"	"	" "	1,340	73
"184 " " "	132,000,	"	"	" "	5,397	33
						9,470	66"

54 and which said entry, so as aforesaid made in said book, then and there purported to show, and did, in substance and effect, indicate and declare, that the sum of nine thousand four hundred and seventy dollars and sixty-six cents was then and there received by said association on account of interest then and there due and payable to said association by one James B. Eads.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said entry, so made as aforesaid, was then and there false in this, that the said sum of nine thousand four hundred and seventy dollars and sixty-six cents was not then and there received by said association on account of interest then and there due and payable to said association from the said James B. Eads, as he, the said James H. Britton, then and there well knew; and that the said entry, so made as aforesaid, was then and there false in this, that the said sum of nine thousand four hundred and seventy dollars and sixty-six cents was not then and there received by said association upon any account from any source, as he, the said James H. Britton, then and there well knew; and that the said false entry was then and there made as aforesaid with the intent then and there on the part of him, the said James H. Britton, to deceive any agent who might be thereafter appointed by the Comptroller of the Currency to examine the affairs of said association, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

28. And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the thirtieth day of December, in the year of our Lord one thousand eight hundred and seventy-six, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis,"

which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did make in a certain book then and there belonging to and in use by the said association in transacting its said banking business, and then and there designated and known as "profit and loss, number six" a certain entry to the credit of a certain account known as profit and loss, which said entry was then and there in the words and figures following, that is to say:

55 "JAS. H. BRITTON:

"184 d'ys' int., 8 %,	60,000,	to Jan'y	1, '77	.....	2,453	33
"184 " "	53,500,	"	"	.....	2,187	56
"184 " "	45,570.70,	"	"	.....	1,863	33
"184 " "	22,168.40,	"	"	...	906	41
"184 " "	6,000,	"	"	.....	245	33
"184 " "	5,000,	"	"	.....	204	44
"184 " "	27,000,	"	"	.....	1,104	
"184 " "	10,000,	"	"	.....	408	89
"Balance of int., @ 8 %,	1,865,	"	"	.....	184	41
"184 d'ys' int., 8 %,	7,500,	"	"	.....	306	67
					9,864	37"

56 and which said entry, so as aforesaid made in said book, then and there purported to show, and did, in substance and effect, indicate and declare, that the sum of nine thousand eight hundred and sixty-four dollars and thirty-seven cents was then and there received by said association on account of interest then and there due and payable to said association by one James H. Britton.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said entry, so made as aforesaid, was then and there false in this, that the said sum of nine thousand eight hundred and sixty-four dollars and thirty-seven cents was not then and there received by said association on account of interest then and there due and payable to said association from the said James H. Britton, as he, the said James H. Britton, then and there well knew; and that the said entry, so made as aforesaid, was then and there false in this, that the said sum of nine thousand eight hundred and sixty-four dollars and thirty-seven cents was not then and there received by said association upon any account from any source, as he, the said James H. Britton, then and there well knew; and that the said false entry was then and there made as aforesaid with the intent then and there on the part of him, the said James H. Britton, to deceive any agent who might be thereafter appointed by the Comptroller of the Currency to examine the affairs of said association, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

29. And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the thirtieth day of December, in the year of our Lord one thousand eight hundred and seventy-six, at said district, being then and there president of a certain national banking association then and there known and desig-

nated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did make in a certain book then and there belonging to and in use by the said association in transacting its said banking business, and then and there designated and known as "profit and loss, number six," a certain entry to the credit of a certain account known as profit and loss, which said entry was then and there in the words and figures following, that is to say:

57 "A. M. BRITTON:

"184 d'ys' int., 8 %, 37,122.67, to Jan'ry 1, '77,..... 1,517 92"

58 and which said entry, so as aforesaid made in said book, then and there purported to show, and did, in substance and effect, indicate and declare, that the sum of one thousand five hundred and seventeen dollars and ninety-two cents was then and there received by said association on account of interest then and there due and payable to said association by one Alfred M. Britton.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said entry, so made as aforesaid, was then and there false in this, that the said sum of one thousand five hundred and seventeen dollars and ninety-two cents was not then and there received by said association on account of interest then and there due and payable to said association from the said Alfred M. Britton, as he, the said James H. Britton, then and there well knew; and that the said entry, so made as aforesaid, was then and there false in this, that the said sum of one thousand five hundred and seventeen dollars and ninety-two cents was not then and there received by said association upon any account from any source, as he, the said James H. Britton, then and there well knew; and that the said false entry was then and there made as aforesaid with the intent then and there on the part of him, the said James H. Britton, to deceive any agent who might be thereafter appointed by the Comptroller of the Currency to examine the affairs of said association, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

30. And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the thirtieth day of December, in the year of our Lord one thousand eight hundred and seventy-six, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof,

did make in a certain book then and there belonging to and in use by the said association in transacting its said banking business, and then and there designated and known as "profit and loss, number six," a certain entry to the credit of a certain account known as profit and loss, which said entry was then and there in the words and figures following, that is to say:

59 "GEO. F. BRITTON:

"184 d'ys' int., 8 %, 25,319.35, to Jan'ry 1, '77..... 1,035.25"

60 and which said entry, so as aforesaid made in said book, then and there purported to show, and did, in substance and effect, indicate and declare, that the sum of one thousand and thirty-five dollars and twenty-five cents was then and there received by said association on account of interest then and there due and payable to said association by one George F. Britton.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said entry, so made as aforesaid, was then and there false in this, that the said sum of one thousand and thirty-five dollars and twenty-five cents was then and there received by said association on account of interest then and there due and payable to said association from the said George F. Britton, as he, the said James H. Britton, then and there well knew; and that the said entry, so made as aforesaid, was then and there false in this, that the said sum of one thousand and thirty-five dollars and twenty-five cents was not then and there received by said association upon any account from any source, as he, the said James H. Britton, then and there well knew; and that the said false entry was then and there made as aforesaid with the intent then and there on the part of him, the said James H. Britton, to deceive any agent who might be thereafter appointed by the Comptroller of the Currency to examine the affairs of the association, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the thirtieth day of December, in the year of our Lord one thousand eight hundred and seventy-six, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did make in a certain book then and there belonging to and in use by the said association in transacting its said banking business, and then and there designated and known as "profit and loss, number six," a certain entry to the credit of a certain account known as profit and loss, which said entry was then and there in the words and figures following, that is to say:

61 "JOHN A. DILLON:

"184 d'ys' int., 8 %, 22,000, to Janu'y 1, '77..... 899 58

"184 " " " 7,000, " " " 286 23
"184 " " " 3,000, " " " 122 67
——— 1,308 46"

62 and which said entry, so as aforesaid made in said book, then and there purported to show, and did, in substance and effect, indicate and declare, that the sum of one thousand three hundred and eight dollars and forty-six cents was then and there received by said association on account of interest then and there due and payable to said association by one John A. Dillon.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said entry, so made as aforesaid, was then and there false in this, that the said sum of one thousand three hundred and eight dollars and forty-six cents was not then and there received by said association on account of interest then and there due and payable to said association from the said John A. Dillon, as he, the said James H. Britton, then and there well knew; and that the said entry, so made as aforesaid, was then and there false in this, that the said sum of one thousand three hundred and eight dollars and forty-six cents was not then and there received by said association upon any account from any source, as he, the said James H. Britton, then and there well knew; and that the said false entry was then and there made as aforesaid, with the intent then and there on the part of him, the said James H. Britton, to deceive any agent who might be thereafter appointed by the Comptroller of the Currency to examine the affairs of said association, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

32. And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the thirtieth day of December, in the year of our Lord one thousand eight hundred and seventy-six, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did make in a certain book then and there belonging to and in use by the said association in transacting its said banking business, and then and there designated and known as "profit and loss, number six," a certain entry to the credit of a certain account known as profit and loss, which said entry was then and there in the words and figures following, that is to say:

63 "GEO. C. FABIAN:

"184 d'ys' int., 8 %, 76,000, to Janu'y 1, '77..... 3,107 56"

64 and which said entry, so as aforesaid made in said book, then and there purported to show, and did, in substance and effect indicate and declare, that the sum of three thousand one hundred and seven dollars and fifty-six cents was then and there received by said association on account of interest then and there due and payable to said association by one George C. Fabian.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said entry, so made as aforesaid, was then and there false in this, that the said sum of three thousand one hundred and seven dollars and fifty-six cents was not then and there received by said association on account of interest then and there due and payable to said association from the said George C. Fabian, as he, the said James H. Britton, then and there well knew; and that the said entry, so made as aforesaid, was then and there false in this, that the said sum of three thousand one hundred and seven dollars and fifty-six cents was not then and there received by said association upon any account from any source, as he, the said James H. Britton, then and there well knew; and that the said false entry was then and there made as aforesaid with the intent then and there on the part of him, the said James H. Britton, to deceive any agent who might be thereafter appointed by the Comptroller of the Currency to examine the affairs of said association, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

33. And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the thirtieth day of December, in the year of our Lord one thousand eight hundred and seventy-six, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did make in a certain book then and there belonging to and in use by the said association in transacting its said banking business, and then and there designated and known as "profit and loss, number six," a certain entry to the credit of a certain account known as profit and loss, which said entry was then and there in the words and figures following, that is to say:

65 "BARTON BATES:

"184	d'ys'	int.,	8 %	11,786.18,	to	January	1, '77	....	481	91
"184	"	"	"	60,000,	"	"	"	....	2,453	33
"184	"	"	"	5,000,	"	"	"	....	204	44
"184	"	"	"	2,000,	"	"	"	....	81	77
"184	"	"	"	15,000,	"	"	"	....	613	33
"184	"	"	"	5,420,	"	"	"	....	221	61
"184	"	"	"	4,000,	"	"	"	....	163	56
"184	"	"	"	5,420,	"	"	"	....	221	61
"184,	"	int.,	7 %	25,000,	"	"	"	....	894	45
										5,336 01"

65 and which said entry, so as aforesaid made in said book, then and there purported to show, and did, in substance and effect, indicate and declare, that the sum of five thousand three hundred and thirty-six dollars and one cent was then and there received by said association on account of interest then and there due and payable to said association by one Barton Bates.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said entry, so made as aforesaid, was then and there false in this, that the said sum of five thousand three hundred and thirty-six dollars and one cent was not then and there received by said association on account of interest then and there due and payable to said association, from the said Barton Bates, as he, the said James H. Britton, then and there well knew; and that the said entry, so made as aforesaid, was then and there false in this, that the said sum of five thousand three hundred and thirty-six dollars and one cent was not then and there received by said association upon any account from any source, as he, the said James H. Britton, then and there well knew; and that the said false entry was then and there made as aforesaid with the intent then and there on the part of him, the said James H. Britton, to deceive any agent who might be thereafter appointed by the Comptroller of the Currency to examine the affairs of said association, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

34. And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the thirtieth day of December, in the year of our Lord one thousand eight hundred and seventy-six, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did make in a certain book then and there belonging to and in use by the said association in transacting its said banking business, and then and there designated and known as "profit and loss, number six," a certain entry to the credit of a certain account known as profit and loss, which said entry was then and there in the words and figures following, that is to say:

67 "65,000
"15,000
"Int. B. Bates, 10,000—$90,000, 3½ %, 6 mo's..... 3,150"

68 and which said entry, so as aforesaid made in said book, then and there purported to show, and did, in substance and effect, indicate and declare, that the sum of three thousand one hundred and fifty dollars was then and there received by said association on account of interest then and there due and payable to said association by one Barton Bates.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said entry, so made as aforesaid, was then and there false in this, that the said sum of three thousand one hundred and fifty dollars was not then and there received by said association on account of interest then and there due and payable to said association from the said Barton Bates, as he, the said James H. Britton, then and there well knew; and that the said entry, so made as aforesaid, was then and there false in this, that the said sum of three thousand one hundred and fifty dollars was not then and there received by said association upon any

account from any source, as he, the said James H. Britton, then and there well knew; and that the said false entry was then and there made as aforesaid with the intent then and there on the part of him, the said James H. Britton, to deceive any agent who might be thereafter appointed by the Comptroller of the Currency to examine the affairs of said association, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

35. And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the thirtieth day of December, in the year of our Lord one thousand eight hundred and seventy-six, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did make in a certain book then and there belonging to and in use by the said association in transacting its said banking business, and then and there designated and known as "profit and loss, number six," a certain entry to the credit of a certain account known as profit and loss, which said entry was then and there in the words and figures following, that is to say:

"J. H. BRITTON:

"65,000
"77,000
——— $142,000 ..... 4,970"

69. and which said entry, so as aforesaid made in said book, then and there purported to show, and did, in substance and effect, indicate and declare, that the sum of four thousand nine hundred and seventy dollars was then and there received by said association on account of interest then and there due and payable to said association by one James H. Britton.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said entry, so made as aforesaid, was then and there false in this, that the said sum of four thousand nine hundred and seventy dollars was not then and there received by said association on account of interest then and there due and payable to said association from the said James H. Britton, as he, the said James H. Britton, then and there well knew; and that the said entry, so made as aforesaid, was then and there false in this, that the said sum of four thousand nine hundred and seventy dollars was not then and there received by said association upon any account from any source, as he, the said James H. Britton, then and there well knew; and that the said false entry was then and there made as aforesaid with the intent then and there on the part of him, the said James H. Britton, to deceive any agent who might be thereafter appointed by the Comptroller of the Currency to examine the affairs of said association, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

36. And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the thirtieth day of December, in the year of our Lord one thousand eight hundred and seventy-six, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did make in a certain book then and there belonging to and in use by the said association in transacting its said banking business, and then and there designated and known as "profit and loss, number six," a certain entry to the credit of a certain account known as profit and loss, which said entry was then and there in the words and figures following, that is to say:

"J. B. EADS:

"47,452.50		
"75,000		
"37,000		
"35,000		
"70,000		
	$264,452.50	9,255 84"

70 and which said entry, so as aforesaid made in said book, then and there purported to show, and did, in substance and effect, indicate and declare, that the sum of nine thousand two hundred and fifty-five dollars and eighty-four cents was then and there received by said association on account of interest then and there due and payable to said association by one James B. Eads.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said entry, so made as aforesaid, was then and there false in this, that the said sum of nine thousand two hundred and fifty-five dollars and eighty-four cents was not then and there received by said association on account of interest then and there due and payable to said association from the said James B. Eads, as he, the said James H. Britton, then and there well knew; and that the said entry, so made as aforesaid, was then and there false in this, that the said sum of nine thousand two hundred and fifty-five dollars and eighty-four cents was not then and there received by said association upon any account from any source, as he, the said James H. Britton, then and there well knew; and that the said false entry was then and there made as aforesaid, with the intent then and there on the part of him, the said James H. Britton, to injure and defraud the said association and certain persons to said jurors unknown, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

71 37. And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the second day of April, in the year of our Lord one thousand eight hundred and seventy-seven, at said district, being then and there

president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did pay to a certain person to the jurors aforesaid unknown a large sum of money, to wit, twenty-four hundred dollars, out of the moneys and funds then and there belonging to and the property of said association, in the purchase by him, the said James H. Britton, from said unknown person, of a large number, to wit, forty certain shares of the capital stock of said association, which said shares of stock were then and there represented upon the books of said association to be the property of one Francis Fisher.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, president as aforesaid, did then and there, by means of the payment aforesaid, in manner and form aforesaid, wilfully misapply the said sum of twenty-four hundred dollars of the moneys and funds as aforesaid of said association, with intent then and there on the part of him, the said James H. Britton, to injure and defraud the said association and certain persons to the jurors aforesaid unknown, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

72 And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the second day of April, in the year of our Lord one thousand eight hundred and seventy-seven, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did pay to a certain person to the jurors aforesaid unknown a large sum of money, to wit, twenty-four hundred dollars, out of the moneys and funds then and there belonging to and the property of said association, in the purchase by him, the said James H. Britton, from said unknown person, of a large number, to wit, forty certain shares of the capital stock of said association, which said shares of stock were then and there represented upon the books of said association to be the property of one Robert Campbell.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, president as aforesaid, did then and there, by means of the payment aforesaid, in manner and form aforesaid, wilfully misapply the said sum of twenty-four hundred dollars of the moneys and funds as aforesaid of said association, with intent then and there on the part of him, the said James H. Britton, to injure and

defraud the said association and certain persons to the jurors aforesaid unknown, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

73 39. And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the tenth day of April, in the year of our Lord one thousand eight hundred and seventy-seven, at said district, being then and there president of a certain national banking association then and there known and designated at the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did pay to a certain person to the jurors aforesaid unknown a large sum of money, to wit, six thousand dollars, out of the moneys and funds then and there belonging to and the property of said association, in the purchase by him, the said James H. Britton, from said unknown person, of a large number, to wit, one hundred certain shares of the capital stock of said association, which said shares of stock were then and there represented upon the books of said association to be the property of one Hugh Campbell.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, president as aforesaid, did then and there, by means of the payment aforesaid, in manner and form aforesaid, wilfully misapply the said sum of six thousand dollars of the moneys and funds as aforesaid of said association, with intent then and there on the part of him, the said James H. Britton, to injure and defraud the said association and certain persons to the jurors aforesaid unknown, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

74 And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the eleventh day of April, in the year of our Lord one thousand eight hundred and seventy-seven, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did pay to a certain person to the jurors aforesaid unknown a large sum of money, to wit, thirteen thousand five hundred dollars, out of the moneys and funds then and there belonging to and the property of said association in the purchase by him, the said James H. Britton, from said unknown person, of a large number, to wit, two hundred and twenty-five certain shares of the capital stock of said association, which said shares of stock were then and there represented upon the books of said association to be the property of one Charles Wiggins.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, president as aforesaid, did then and there, by means of the payment aforesaid, in manner and form aforesaid, wilfully misapply the said sum of thirteen thousand five hundred dollars of the moneys and funds as aforesaid of said association, with intent then and there on the part of him, the said James H. Britton, to injure and defraud the said association and certain persons to the jurors aforesaid unknown, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

75 And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the eleventh day of April, in the year of our Lord one thousand eight hundred and seventy-seven, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did pay to a certain person to the jurors aforesaid unknown a large sum of money, to wit, twelve hundred dollars, out of the moneys and funds then and there belonging to and the property of said association, in the purchase by him, the said James H. Britton, from said unknown person, of a large number, to wit, twenty certain shares of the capital stock of said association, which said shares of stock were then and there represented upon the books of said association to be the property of one Isaac H. Loveland.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, president as aforesaid, did then and there, by means of the payment aforesaid, in manner and form aforesaid, wilfully misapply the said sum of twelve hundred dollars of the moneys and funds as aforesaid of said association, with intent then and there on the part of him, the said James H. Britton, to injure and defraud the said association and certain persons to the jurors aforesaid unknown, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

76 42. And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the 16th day of April, in the year of our Lord one thousand eight hundred and seventy-seven, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did pay to a certain person to the jurors aforesaid unknown, a large

sum of money, to wit, twenty-nine hundred and seventy-five dollars, out of the moneys and funds then and there belonging to and the property of said association, in the purchase by him, the said James H. Britton, from said unknown person, of a large number, to wit, fifty certain shares of the capital stock of said association, which said shares of stock were then and there represented upon the books of said association to be the property of one Julia Moffitt.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, president as aforesaid, did then and there, by means of the payment aforesaid, in manner and form aforesaid, wilfully misapply the said sum of twenty-nine hundred and seventy-five dollars of the moneys and funds as aforesaid of said association, with intent then and there on the part of him, the said James H. Britton, to injure and defraud the said association and certain persons to the jurors aforesaid unknown, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

77 43. And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the thirtieth day of April, in the year of our Lord one thousand eight hundred and seventy-seven, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did pay to a certain person to the jurors aforesaid unknown a large sum of money, to wit, twenty-one hundred dollars, out of the moneys and funds then and there belonging to and the property of said association, in the purchase by him, the said James H. Britton, from said unknown person, of a large number, to wit, thirty-five certain shares of the capital stock of said association, which said shares of stock were then and there represented upon the books of said association to be the property of one J. W. Green, whose christian name is to said jurors unknown.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, president as aforesaid, did then and there, by means of the payment aforesaid, in manner and form aforesaid, wilfully misapply the said sum of twenty-one hundred dollars of the moneys and funds as aforesaid of said association, with intent then and there, on the part of him, the said James H. Britton, to injure and defraud the said association and certain persons to the jurors aforesaid unknown, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

78 40. And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the second day of May, in the year of our Lord one thousand eight hundred and seventy-seven, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been heretofore created and organized under

and by virtue of an act of Congress, entitled "Act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did pay to a certain person to the jurors aforesaid unknown a large sum of money, to wit, twenty-five hundred and eighty dollars, out of the moneys and funds then and there belonging to and the property of said association, in the purchase by him, the said James H. Britton, from said unknown person, of a large number, to wit, forty-three certain shares of the capital stock of said association, which said shares of stock were then and there represented upon the books of said association to be the property of one Richard C. Martin.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, president as aforesaid, did then and there, by means of the payment aforesaid, in manner and form aforesaid, wilfully misapply the said sum of twenty-five hundred and eighty dollars of the moneys and funds as aforesaid of said association, with intent then and there on the part of him, the said James H. Britton, to injure and defraud the said association and certain persons to the jurors aforesaid unknown, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

79 45. And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the second day of May, in the year of our Lord one thousand eight hundred and seventy-seven, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," and which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did pay to a certain person to the jurors aforesaid unknown a large sum of money, to wit, eighteen hundred dollars, out of the moneys and funds then and there belonging to and the property of said association, in the purchase by him, the said James H. Britton, from said unknown person, of a large number, to wit, thirty certain shares of the capital stock of said association, which said shares of stock were then and there represented upon the books of said association to be the property of one R. B. Price, whose christian name is to said jurors unknown.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, president as aforesaid, did then and there, by means of the payment aforesaid, in manner and form aforesaid, wilfully misapply the said sum of eighteen dollars of the moneys and funds as aforesaid of said association, with intent then and there on the part of him, the said James H. Britton, to injure and defraud the said association and certain persons to the jurors aforesaid unknown, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

80 46. And the jurors aforesaid, on their oaths aforesaid, do further

present that the said James H. Britton, late of said district, on the fourth day of May, in the year of our Lord one thousand eight hundred and seventy-seven, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized under and by virtue of an act of Congress entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did pay to a certain person to the jurors aforesaid unknown a large sum of money, to wit, seventeen hundred and eighty-five dollars, out of the moneys and funds then and there belonging to and the property of said association, in the purchase by him, the said James H. Britton, from said unknown person, of a large number, to wit, thirty certain shares of the capital stock of said association, which said shares of stock were then and there represented upon the books of said association to be the property of one Stephen D. Gore.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, president as aforesaid, did then and there, by means of the payment aforesaid, in manner and form aforesaid, wilfully misapply the said sum of seventeen hundred and eighty-five dollars of the moneys and funds as aforesaid of said association, with intent then and there on the part of him, the said James H. Britton, to injure and defraud the said association and certain persons to the jurors aforesaid unknown, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

81 47. And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the ninth day of May, in the year of our Lord one thousand eight hundred and seventy-seven, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did pay to a certain person to the jurors aforesaid unknown a large sum of money, to wit, fifteen hundred dollars, out of the moneys and funds then and there belonging to and the property of said association, in the purchase by him, the said James H. Britton, from said unknown person, of a large number, to wit, twenty-five certain shares of the capital stock of said association, which said shares of stock were then and there represented upon the books of said association to be the property of one John Knapp.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, president as aforesaid, did then and there, by means of the payment aforesaid, in manner and form afore-

said, wilfully misapply the said sum of fifteen hundred dollars of the moneys and funds as aforesaid of said association, with intent then and there on the part of him, the said James H. Britton, to injure and defraud the said association and certain persons to the jurors aforesaid unknown, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

82 48. And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the twelfth day of May, in the year of our Lord one thousand eight hundred and seventy-seven, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did pay to a certain person to the jurors aforesaid unknown a large sum of money, to wit, thirteen hundred and eighty dollars, out of the moneys and funds then and there belonging to and the property of said association, in the purchase by him, the said James H. Britton, from said unknown person of a large number, to wit, three certain shares of the capital stock of said association, which said shares of stock were then and there represented upon the books of said association to be the property of one Helen R. Mason.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, president as aforesaid, did then and there, by means of the payment aforesaid, in manner and form aforesaid, wilfully misapply the said sum of thirteen hundred and eighty dollars of the moneys and funds as aforesaid of said association, with intent then and there on the part of him, the said James H. Britton, to injure and defraud the said association and certain persons to the jurors aforesaid unknown, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

83 49. And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the sixteenth day of May, in the year of our Lord one thousand eight hundred and seventy-seven, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did pay to a certain person to the jurors aforesaid unknown a large sum of money, to wit, three thousand dollars, out of the moneys and funds then and there belonging to and the property of said association, in

the purchase by him, the said James H. Britton, from said unknown person of a large number, to wit, fifty certain shares of the capital stock of said association, which said shares of stock were then and there represented upon the books of said association to be the property of one Russell Hinckley.

And the jurors aforesaid on their oaths aforesaid, do further present that the said James H. Britton, president as aforesaid, did then and there, by means of the payment aforesaid, in manner and form aforesaid, wilfully misapply the sum of three thousand dollars of the money and funds as aforesaid of said association, with intent then and there on the part of him, the said James H. Britton, to injure and defraud the said association and certain persons to the jurors aforesaid unknown, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

84 50. And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the seventeenth day of May, in the year of our Lord one thousand eight hundred and seventy-seven, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did pay to a certain person to the jurors aforesaid unknown a large sum of money, to wit, thirty-four hundred and eighty dollars, out of the moneys and funds then and there belonging to and the property of said association, in the purchase by him, the said James H. Britton, from said unknown person, of a large number, to wit, fifty-eight certain shares of the capital stock of said association, which said shares of stock were then and there represented upon the books of said association to be the property of one Edward Walsh, junior.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, president as aforesaid, did then and there, by means of the payment aforesaid, in manner and form aforesaid, wilfully misapply the said sum of thirty-four hundred and eighty dollars of the moneys and funds as aforesaid of said association, with intent then and there on the part of him, the said James H. Britton, to injure and defraud the said association and certain persons to the jurors aforesaid unknown, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

85 51. And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the eighteenth day of May, in the year of our Lord one thousand eight hundred and seventy-seven, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," ap-

proved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did pay to a certain person to the jurors aforesaid unknown a large sum of money, to wit, eighty-nine hundred and twenty-five dollars, out of the moneys and funds then and there belonging to and the property of said association, in the purchase by him, the said James H. Britton, from said unknown person, of a large number, to wit, one hundred and fifty certain shares of the capital stock of said association, which said shares of stock were then and there represented upon the books of said association to be the property of one Benjamin Stickney.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, president as aforesaid, did then and there, by means of the payment aforesaid, in manner and form aforesaid, wilfully misapply the said sum of eighty-nine hundred and twenty-five dollars of the moneys and funds as aforesaid of said association, with intent then and there on the part of him, the said James H. Britton, to injure and defraud the said association and certain persons to the jurors aforesaid unknown, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

86 52. And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the eighteenth day of May, in the year of our Lord one thousand eight hundred and seventy-seven, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did pay to a certain person to the jurors aforesaid unknown, a large sum of money, to wit, twenty-nine hundred and fifty dollars, out of the moneys and funds then and there belonging to and the property of said association, in the purchase by him, the said James H. Britton, from said unknown person, of a large number, to wit, fifty certain shares of the capital stock of said association, whi h said shares of stock were then and there represented upon the books of said association to be the property of one R. Wadison, whose christian name is to said jurors unknown.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, president as aforesaid, did then and there, by means of the payment aforesaid, in manner and form aforesaid, wilfully misapply the said sum of twenty-nine hundred and fifty dollars of the moneys and funds as aforesaid of said association, with intent then and there on the part of him, the said James H. Britton, to injure and defraud the said association and certain persons to the jurors aforesaid unknown, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

87 53. And the jurors aforesaid, on their oaths aforesaid, do further

present that the said James H. Britton, late of said district, on the eighteenth day of May, in the year of our Lord one thousand eight hundred and seventy-seven, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized under and by virtue of an act of Congress entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did pay to a certain person to the jurors aforesaid unknown a large sum of money, to wit, forty-seven hundred and twenty dollars, out of the moneys and funds then and there belonging to and the property of said association, in the purchase by him, the said James H. Britton, from said unknown person, of a large number, to wit, eighty certain shares of the capital stock of said association, which said shares of stock were then and there represented upon the books of said association to be the property of one Solomon A. Smith.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, president as aforesaid, did then and there, by means of the payment aforesaid, in manner and form aforesaid, wilfully misapply the said sum of forty-seven hundred and twenty dollars of the moneys and funds as aforesaid of said association, with intent then and there on the part of him, the said James H. Britton, to injure and defraud the said association and certain persons to the jurors aforesaid unknown, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

88 54. And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the eighteenth day of May, in the year of our Lord one thousand eight hundred and seventy-seven, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did pay to a certain person to the jurors aforesaid unknown, a large sum of money, to wit, three thousand and sixty dollars, out of the moneys and funds then and there belonging to and the property of said association, in the purchase by him, the said James H. Britton, from said unknown person of a large number, to wit, fifty-one certain shares of the capital stock of said association, which said shares of stock were then and there represented upon the books of said association to be the property of one H. S. Lipcomb, whose christian name is to said jurors unknown.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, president as aforesaid, did then and

there, by means of the payment aforesaid, in manner and form aforesaid, wilfully misapply the said sum of three thousand and sixty dollars of the moneys and funds as aforesaid of said association, with intent then and there on the part of him, the said James H. Britton, to injure and defraud the said association and certain persons to the jurors aforesaid unknown, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

89 55. And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the twenty-third day of May, in the year of our Lord one thousand eight hundred and seventy-seven, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did pay to a certain person to the jurors aforesaid unknown, a large sum of money, to wit, twenty-one thousand nine hundred dollars, out of the moneys and funds then and there belonging to and the property of said association, in the purchase by him, the said James H. Britton, from said unknown person, of a large number, to wit, three hundred and sixty-five certain shares of the capital stock of said association, which said shares of stock were then and there represented upon the books of said association to be the property of one Robert A. Barnes.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, president as aforesaid, did then and there, by means of the payment aforesaid, in manner and form aforesaid, wilfully misapply the said sum of twenty-one thousand nine hundred dollars of the moneys and funds as aforesaid of said association, with intent then and there on the part of him, the said James H. Britton, to injure and defraud the said association and certain persons to the jurors aforesaid unknown, contrary to the form of the statute of the United States in such case and provided, and against their peace and dignity.

90 56. And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the twenty-eight' day of May, in the year of our Lord one thousand eight hundred and seventy-seven, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did pay to a certain person to the jurors aforesaid unknown a large sum of money, to wit one hundred thousand dollars, out of the moneys

and funds then and there belonging to and the property of said association, in the purchase by him, the said James H. Britton, from said unknown person, of a large number, to wit, one thousand certain shares of the capital stock of said association, which said shares of stock were then and there represented upon the books of said association to be the property of one John J. Roe.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, president as aforesaid, did then and there, by means of the payment aforesaid, in manner and form aforesaid, wilfully misapply the said sum of one hundred thousand dollars of the moneys and funds as aforesaid of said association, with intent then and there on the part of him, the said James H. Britton, to injure and defraud the said association and certain persons to the jurors aforesaid unknown, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

91 57. And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the second day of April, in the year of our Lord one thousand eight hundred and seventy-seven, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did pay to a certain person to the jurors aforesaid unknown a large sum of money, to wit, twenty-four hundred dollars, out of the moneys and funds then and there belonging to and the property of said association, in the purchase by him, the said James H. Britton, from said unknown person, of a large number, to wit, forty certain shares of the capital stock of said association, which said shares of stock were then and there represented upon the books of said association to be the property of one Francis Fisher, and which said shares of stock so purchased as aforesaid were then and there held by him, the said James H. Britton, in trust, for the use and benefit of said association, and which said shares of stock were not purchased as aforesaid in order to prevent loss upon any debt theretofore contracted with said association in good faith.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, president as aforesaid, did then and there, by means of the payment aforesaid, in manner and form aforesaid, wilfully misapplied the said sum of twenty-four hundred dollars of the moneys and funds as aforesaid of said association, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

92 58. And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the second day of April, in the year of our Lord one thousand eight hundred and seventy , at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized un-

der and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did pay to a certain person to the jurors aforesaid unknown a large sum of money, to wit, twenty-four hundred dollars, out of the moneys and funds then and there belonging to and the property of said association in the purchase by him, the said James H. Britton, from said unknown person, of a large number, to wit, forty certain shares of the capital stock of said association, which said shares of stock were then and there represented upon the books of said association to be the property of one Robert Campbell.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, president as aforesaid, did then and there, by means of the payment aforesaid, in manner and form aforesaid, wilfully misapply the said sum of twenty-four hundred dollars of the moneys and funds as aforesaid of said association, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

93 59. And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the tenth day of April, in the year of our Lord one thousand eight hundred and seventy-seven, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did pay to a certain person to the jurors aforesaid unknown a large sum of money, to wit, six thousand dollars, out of the moneys and funds then and there belonging to and the property of said association, in the purchase by him, the said James H. Britton, from said unknown person, of a large number, to wit, one hundred certain shares of the capital stock of said association, which said shares of stock were then and there represented upon the books of said association to be the property of one Hugh Campbell.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, president as aforesaid, did then and there, by means of the payment aforesaid, in manner and form aforesaid, wilfully misapply the said sum of six thousand dollars of the moneys and funds as aforesaid of said association, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

94 60. And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the eleventh day of April, in the year of our Lord one thousand eight hundred and seventy-seven, at said district, being then and there president of a certain national banking association then and there

known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did pay to a certain person to the jurors aforesaid unknown a large sum of money, to wit, thirteen thousand five hundred dollars, out of the moneys and funds then and there belonging to and the property of said association, in the purchase by him, the said James H. Britton, from said unknown person, of a large number, to wit, two hundred and twenty-five certain shares of the capital stock of said association, which said shares of stock were then and there represented upon the books of said association to be the property of one Charles Wiggins.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, president as aforesaid, did then and there, by means of the payment aforesaid, in manner and form aforesaid, wilfully misapply the said sum of thirteen thousand five hundred dollars of the moneys and funds as aforesaid of said association, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

95 61. And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the eleventh day of April, in the year of our Lord one thousand eight hundred and seventy-seven, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did pay to a certain person to the jurors aforesaid unknown a large sum of money, to wit, twelve hundred dollars, out of the moneys and funds then and there belonging to and the property of said association, in the purchase by him, the said James H. Britton, from said unknown person, of a large number, to wit, twenty certain shares of the capital stock of said association, which said shares of stock were then and there represented upon the books of said association to be the property of one Isaac H. Loveland.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, president as aforesaid, did then and there, by means of the payment aforesaid, in manner and form aforesaid, wilfully misapply the said sum of twelve hundred dollars of the moneys and funds as aforesaid of said association, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

96 62. And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the sixteenth day of April, in the year of our Lord one thousand eight

hundred and seventy-seven, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did pay to a certain person to the jurors aforesaid unknown a large sum of money, to wit, twenty-nine hundred and seventy-five dollars, out of the moneys and funds then and there belonging to and the property of said association in the purchase by him, the said James H. Britton, from said unknown person of a large number, to wit, fifty certain shares of the capital stock of said association, which said shares of stock were then and there represented upon the books of said association to be the property of one Julia Moffit.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, president as aforesaid, did then and there, by means of the payment aforesaid, in manner and form aforesaid, wilfully misapply the said sum of twenty-nine hundred and seventy-five dollars of the moneys and funds as aforesaid of said association, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

97 63. And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the thirtieth day of April, in the year of our Lord one thousand eight hundred and seventy-seven, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did pay to a certain person to the jurors aforesaid unknown a large sum of money, to wit, twenty-one hundred dollars, out of the moneys and funds then and there belonging to and the property of said association, in the purchase by him, the said James H. Britton, from said unknown person, of a large number, to wit, thirty-five certain shares of the capital stock of said association, which said shares of stock were then and there represented upon the books of said association to be the property of one J. W. Green, whose christian name is to said jurors unknown.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, president as aforesaid, did then and there, by means of the payment aforesaid, in manner and form aforesaid, wilfully misapply the said sum of twenty-one hundred dollars of the moneys and funds as aforesaid of said association, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

98 64. And the jurors aforesaid, on their oaths aforesaid, do fur-

ther present that the said James H. Britton, late of said district, on the second day of May, in the year of our Lord one thousand eight hundred and seventy-seven, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did pay to a certain person to the jurors aforesaid unknown a large sum of money, to wit, twenty-five hundred and eighty dollars, out of the moneys and funds then and there belonging to and the property of said association, in the purchase by him, the said James H. Britton, from said unknown person, of a large number, to wit, forty-three certain shares of the capital stock of said association, which said shares of stock were then and there represented upon the books of said association to be the property of one Richard C. Martin.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, president as aforesaid, did then and there, by means of the payment aforesaid, in manner and form aforesaid, wilfully misapply the said sum of twenty-five hundred and eighty dollars of the moneys and funds as aforesaid of said association, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

99 65. And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the second day of May, in the year of our Lord one thousand eight hundred and seventy-seven, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did pay to a certain person to the jurors aforesaid unknown a large sum of money, to wit, eighteen hundred dollars, out of the moneys and funds then and there belonging to and the property of said association, in the purchase by him, the said James H. Britton, from said unknown person, of a large number, to wit, thirty certain shares of the capital stock of said association, which said shares of stock were then and there represented upon the books of said association to be the property of one R. B. Price, whose christian name is to said jurors unknown.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, president as aforesaid, did then and there, by means of the payment aforesaid, in manner and form aforesaid, wilfully misapply the said sum of eighteen hundred dollars of the moneys and funds as aforesaid of said association, contrary to the form

of the statute of the United States in such case made and provided, and against their peace and dignity.

100 66. And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the fourth day of May, in the year of our Lord one thousand eight hundred and seventy-seven, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did pay to a certain person to the jurors aforesaid unknown a large sum of money, to wit, seventeen hundred and eighty-five dollars, out of the moneys and funds then and there belonging to and the property of said association, in the purchase by him, the said James H. Britton, from said unknown person, of a large number, to wit, thirty certain shares of the capital stock of said association, which said shares of stock were then and there represented upon the books of said association to be the property of one Stephen D. Gore.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, president as aforesaid, did then and there, by means of the payment aforesaid, in manner and form aforesaid, wilfully misapply the said sum of seventeen hundred and eighty-five dollars of the moneys and funds as aforesaid of said association, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

101 61. And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the ninth day of May, in the year of our Lord one thousand eight hundred and seventy-seven, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis, which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did pay to a certain person to the jurors aforesaid unknown, a large sum of money, to wit, fifteen hundred dollars, out of the moneys and funds then and there belonging to and the property of said association, in the purchase by him, the said James H. Britton, from said unknown person, of a large number, to wit, twenty-five certain shares of the capital stock of said association, which said shares of stock were then and there represented upon the books of said association to be the property of one John Knapp.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, president as aforesaid, did then and

there, by means of the payment aforesaid, in manner and form aforesaid, wilfully misapply the said sum of fifteen hundred dollars of the moneys and funds as aforesaid of said association, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

102 68. And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the twelfth day of May, in the year of our Lord one thousand eight hundred and seventy-seven, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did pay to a certain person to the jurors aforesaid unknown a large sum of money, to wit, thirteen hundred and eighty dollars, out of the moneys and funds then and there belonging to and the property of said association, in the purchase by him, the said James H. Britton, from said unknown person, of a large number, to wit, twenty three certain shares of the capital stock of said association, which said shares of stock were then and there represented upon the books of said association to be the property of one Helen R. Mason.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, president as aforesaid, did then and there, by means of the payment aforesaid, in manner and form aforesaid, wilfully misapply the said sum of thirteen hundred and eighty dollars of the moneys and funds as aforesaid of said association, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

103 69. And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the sixteenth day of May, in the year of our Lord one thousand eight hundred and seventy-seven, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did pay to a certain person to the jurors aforesaid unknown, a large sum of money, to wit, three thousand dollars, out of the moneys and funds then and there belonging to and the property of said association, in the purchase by him, the said James H. Britton, from said unknown person, of a large number, to wit, fifty certain shares of the capital stock of said association, which said shares of stock were then and there represented upon the books of said association to be the property of one Russell Hinckley.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, president as aforesaid, did then and there, by means of the payment aforesaid, in manner and form aforesaid, wilfully misapply the said sum of three thousand dollars of the moneys and funds as aforesaid of said association, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

104 70. And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the seventeenth day of May, in the year of our Lord one thousand eight hundred and seventy-seven, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did pay to a certain person to the jurors aforesaid unknown a large sum of money, to wit, thirty-four hundred and eighty dollars, out of the moneys and funds then and there belonging to and the property of said association, in the purchase by him, the said James H. Britton, from said unknown person, of a large number, to wit, fifty-eight certain shares of the capital stock of said association, which said shares of stock were then and there represented upon the books of said association to be the property of one Edward Walsh, junior.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, president as aforesaid, did then and there, by means of the payment aforesaid, in manner and form aforesaid, wilfully misapply the said sum of thirty-four hundred and eighty dollars of the moneys and funds as aforesaid of said association, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

105 71. And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the eighteenth day of May, in the year of our Lord one thousand eight hundred and seventy-seven, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did pay to a certain person to the jurors aforesaid unknown a large sum of money, to wit, eighty-nine hundred and twenty-five dollars, out of the moneys and funds then and there belonging to and the property of said association, in the purchase by him, the said James H. Britton, from said unknown person, of a large number, to wit, one hundred and fifty certain shares of the capital stock of said association, which said shares

of stock were then and there represented upon the books of said association to be the property of one Benjamin Stickney.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, president as aforesaid, did then and there, by means of the payment aforesaid, in manner and form aforesaid, wilfully misapply the said sum of eighty-nine hundred and twenty-five dollars of the moneys and funds as aforesaid of said association, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

106 72. And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the eighteenth day of May, in the year of our Lord one thousand eight hundred and seventy-seven, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did pay to a certain person to the jurors aforesaid unknown a large sum of money, to wit, twenty-nine hundred and fifty dollars, out of the moneys and funds then and there belonging to and the property of said association, in the purchase by him, the said James H. Britton, from said unknown person, of a large number, to wit, fifty certain shares of the capital stock of said association, which said shares of stock were then and there represented upon the books of said association to be the property of one R. Wadeson, whose christian name is to said jurors unknown.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, president as aforesaid, did then and there, by means of the payment aforesaid, in manner and form aforesaid, wilfully misapply the said sum of twenty-nine hundred and fifty dollars of the moneys and funds as aforesaid of said association, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

107 73. And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the eighteenth day of May, in the year of our Lord one thousand eight hundred and seventy-seven, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did pay to a certain person to the jurors aforesaid unknown a large sum of money, to wit, forty-seven hundred and twenty dollars, out of the moneys and funds then and there belonging to and the property of

said association, in the purchase by him, the said James H. Britton, from said unknown person, of a large number, to wit, eighty certain shares of the capital stock of said association, which said shares of stock were then and there represented upon the books of said association to be the property of one Solomon A. Smith.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, president as aforesaid, did then and there, by means of the payment aforesaid, in manner and form aforesaid, wilfully misapply the said sum of forty-seven hundred and twenty dollars of the moneys and funds as aforesaid of said association, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

108 74. And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the eighteenth day of May, in the year of our Lord one thousand eight hundred and seventy-seven, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did pay to a certain person to the jurors aforesaid unknown a large sum of money, to wit, three thousand and sixty dollars, out of the moneys and funds then and there belonging to and the property of said association, in the purchase by him, the said James H. Britton, from said unknown person, of a large number, to wit, fifty-one certain shares of the capital stock of said association, which said shares of stock were then and there represented upon the books of said association to be the property of one H. S. Lipcomb, whose christian name is to said jurors unknown.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, president as aforesaid, did then and there, by means of the payment aforesaid, in manner and form aforesaid, wilfully misapply the said sum of three thousand and sixty dollars of the moneys and funds as aforesaid of said association, with intent then and there on the part of him, the said James H. Britton, to injure and defraud the said association and certain persons to the jurors aforesaid unknown, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

109 75. And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the twenty-third day of May, in the year of our Lord one thousand eight hundred and seventy-seven, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred

and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did pay to a certain person to the jurors aforesaid unknown a large sum of money, to wit, twenty-one thousand nine hundred dollars, out of the moneys and funds then and there belonging to and the property of said association, in the purchase by him, the said James H. Britton, from said unknown person, of a large number, to wit, three hundred and sixty-five certain shares of the capital stock of said association, which said shares of stock were then and there represented upon the books of said association to be the property of one Robert A. Barnes.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, president as aforesaid, did then and there, by means of the payment aforesaid, in manner and form aforesaid, wilfully misapply the said sum of twenty-one thousand nine hundred dollars of the moneys and funds as aforesaid of said association, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

110 76. And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the twenty-eighth day of May, in the year of our Lord one thousand eight hundred and seventy-seven, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did pay to a certain person to the jurors aforesaid unknown a large sum of money, to wit, one hundred thousand dollars, out of the moneys and funds then and there belonging to and the property of said association, in the purchase by him, the said James H. Britton, from said unknown person, of a large number, to wit, one thousand certain shares of the capital stock of said association, which said shares of stock were then and there represented upon the books of said association to be the property of one John J. Roe.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, president as aforesaid, did then and there, by means of the payment aforesaid, in manner and form aforesaid, wilfully misapply the said sum of one hundred thousand dollars of the moneys and funds as aforesaid of said association, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

111 77. And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the second day of April, in the year of our Lord one thousand eight hundred and seventy-seven, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide

for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did pay to a certain person to the jurors aforesaid unknown a large sum of money, to wit, twenty-four hundred dollars, out of the moneys and funds then there belonging to and the property of, said association, in the purchase by him, the said James H. Britton, from said unknown person, of a large number, to wit, forty certain shares of the capital stock of said association, which said shares of stock were then and there represented upon the books of said association to be the property of one Francis Fisher, and which said shares of stock so purchased as aforesaid were then and there held by him, the said James H. Britton, in trust, for the use of said association, and which said shares of stock were not purchased as aforesaid in order to prevent loss upon any debt theretofore contracted with said association in good faith.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, president as aforesaid, did then and there, by means of the payment aforesaid, in manner and form aforesaid, wilfully misapplied the said sum of twenty-four hundred dollars of the moneys and funds as aforesaid of said association, with intent then and there on the part of him, the said James H. Britton, to injure and defraud the said association and certain persons to the jurors aforesaid unknown, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

112 78. And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the second day of May, in the year of our Lord one thousand eight hundred and seventy-seven, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did pay to a certain person to the jurors aforesaid unknown a large sum of money to wit, eighteen hundred dollars, out of the moneys and funds then and there belonging to and the property of said association, in the purchase by him, the said James H. Britton, from said unknown person, of a large number, to wit, thirty certain shares of the capital stock of said association, which said shares of stock were then and there represented upon the books of said association to be the property of one R. B. Price, whose christian name is to said jurors unknown, and which said shares of stock so purchased as aforesaid were then and there held by him, the said James H. Britton, in trust, for the use of said association, and which said shares of stock were not purchased as aforesaid in order to prevent loss upon any debt theretofore contracted with said association in good faith.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, president as aforesaid, did then and there, by means of the payment aforesaid, in manner and form aforesaid,

wilfully misapplied the said sum of eighteen hundred dollars of the moneys and funds as aforesaid of said association, with intent then and there on the part of him; the said James H. Britton, to injure and defraud the said association and certain persons to the jurors aforesaid unknown, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

113 79. And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the fourth day of May, in the year of our Lord one thousand eight hundred and seventy-seven, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did pay to a certain person to the jurors aforesaid unknown a large sum of money, to wit, seventeen hundred and eighty-five dollars, out of the moneys and funds then and there belonging to and the property of said association, in the purchase by him, the said James H. Britton, from said unknown person, of a large number, to wit, thirty certain shares of the captital stock of said association, which said share of stock were then and there represented upon the books of said association to be the property of one Stephen D. Gore, and which said shares of stock so purchased as aforesaid were then and there held by him, the said James H. Britton, in trust, for the use of said association, and which said shares of stock were not purchased as aforesaid in order to prevent loss upon any debt theretofore contracted with said association in good faith.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, president as aforesaid, did then and there, by means of the payment aforesaid, in manner and form aforesaid, wilfully misapplied the said sum of seventeen hundred and eighty-five dollars of the moneys and funds as aforesaid of said association, with intent then and there on the part of him, the said James H. Britton, to injure and defraud the said association and certain persons to the jurors aforesaid unknown, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

114 80. And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the second day of April, in the year of our Lord one thousand eight hundred and seventy-seven, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said

district, under the said act of Congress and the acts amendatory thereof, did pay to a certain person to the jurors aforesaid unknown a large sum of money, to wit, twenty-four hundred dollars, out of the moneys and funds then and there belonging to and the property of said association, in the purchase by him, the said James H. Britton, from said unknown person, of a large number, to wit, forty certain shares of the capital stock of said association, which said shares of stock were then and there represented upon the books of said association to be the property of one Robert Campbell, and which said shares of stock so purchased as aforesaid were then and there held by him, the said James H. Britton, in trust, for the use of said association, and which said shares of stock were not purchased as aforesaid in order to prevent loss upon any debt theretofore contracted with said association in good faith.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, president as aforesaid, did then and there, by means of the payment aforesaid, in manner and form aforesaid, wilfully misapplied the said sum of twenty-four hundred dollars of the moneys and funds as aforesaid of said association, with intent then and there on the part of him, the said James H. Britton, to injure and defraud the said association and certain persons to the jurors aforesaid unknown, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

115 81. And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the ninth day of May, in the year of our Lord one thousand eight hundred and seventy-seven, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did pay to a certain person to the jurors aforesaid unknown a large sum of money, to wit, fifteen hundred dollars, out of the moneys and funds then and there belonging to and the property of said association, in the purchase by him, the said James H. Britton, from said unknown person, of a large number, to wit, twenty-five certain shares of the capital stock of said association, which said shares of stock were then and there represented upon the books of said association to be the property of one John Knapp, and which said shares of stock so purchased as aforesaid were then and there held by him, the said James H. Britton, in trust, for the use of said association, and which said shares of stock were not purchased as aforesaid in order to prevent loss upon any debt theretofore contracted with said association in good faith.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, president as aforesaid, did then and there, by means of the payment aforesaid, in manner and form aforesaid, wilfully misapp*lied* the said sum of fifteen hundred dollars of the moneys and funds as aforesaid of said association, with intent then and there on the part of him, the said James H. Britton, to injure and

defraud the said association and certain persons to the jurors aforesaid unknown, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

116 82. And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the tenth day of April, in the year of our Lord one thousand eight hundred and seventy-seven, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did pay to a certain person to the jurors aforesaid unknown a large sum of money, to wit, six thousand dollars, out of the moneys and funds then and there belonging to and the property of said association, in the purchase by him, the said James H. Britton, from said unknown person, of a large number, to wit, one hundred certain shares of the capital stock of said association, which said shares of stock were then and there represented upon the books of said association to be the property of one Hugh Campbell, and which said shares of stock so purchased as aforesaid were then and there held by him, the said James H. Britton, in trust, for the use of said association, and which said shares of stock were not purchased as aforesaid in order to prevent loss upon any debt theretofore contracted with said association in good faith.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, president as aforesaid, did then and there, by means of the payment aforesaid, in manner and form aforesaid, wilfully misapplied the said sum of six thousand dollars of the moneys and funds as aforesaid of said association, with intent then and there on the part of him, the said James H. Britton, to injure and defraud the said association and certain persons to the jurors aforesaid unknown, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

117 83. And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the eleventh day of April, in the year of our Lord one thousand eight hundred and seventy-seven, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did pay to a certain person to the jurors aforesaid unknown a large sum of money, to wit, thirteen thousand five hundred dollars, out of the moneys and funds then and there belonging to and the property of said association, in the purchase by him, the said James H. Britton, from said unknown

person, of a large number, to wit, two hundred and twenty-five certain shares of the capital stock of said association, which said shares of stock were then and there represented upon the books of said association to be the property of one Charles Wiggins, and which said shares of stock, so purchased as aforesaid, were then and there held by him, the said James H. Britton, in trust, for the use of said association, and which said shares of stock were not purchased, as aforesaid, in order to prevent loss upon any debt theretofore contracted with said association in good faith.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, president as aforesaid, did then and there, by means of the payment aforesaid, in manner and form aforesaid, wilfully misapplied the said sum of thirteen thousand five hundred dollars of the moneys and funds as aforesaid of said association, with intent then and there on the part of him, the said James H. Britton, to injure and and defraud the said association and certain persons to the jurors aforesaid unknown, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

118 84. And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the eleventh day of April, in the year of our Lord one thousand eight hundred and seventy-seven, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did pay to a certain person to the jurors aforesaid unknown a large sum of money, to wit, twelve hundred dollars, out of the moneys and funds then and there belonging to and the property of said association, in the purchase by him, the said James H. Britton, from said unknown person of a large number, to wit, twenty certain shares of the capital stock of said association, which said shares of stock were then and there represented upon the books of said association to be the property of one Isaac H. Loveland, and which said shares of stock, so purchased as aforesaid, were then and there held by him, the said James H. Britton, in trust, for the use of said association, and which said shares of stock were not purchased as aforesaid in order to prevent loss upon any debt theretofore contracted with said association in good faith.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, president as aforesaid, did then and there, by means of the payment aforesaid, in manner and form aforesaid, wilfully misapplied the said sum of twelve hundred dollars of the moneys and funds as aforesaid of said association, with intent then and there on the part of him, the said James H. Britton, to injure and defraud the said association and certain persons to the jurors aforesaid unknown, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

119 85. And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said dis-

trict, on the sixteenth day of April, in the year of our Lord one thousand eight hundred and seventy-seven, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did pay to a certain person to the jurors aforesaid unknown a large sum of money, to wit, twenty-nine hundred and seventy-five dollars, out of the moneys and funds then and there belonging to and the property of said association, in the purchase by him, the said James H. Britton, from said unknown person, of a large number, to wit, fifty certain shares of the capital stock of said association, which said shares of stock were then and there represented upon the books of said association to be the property of one Julia Moffitt, and which said shares of stock, so purchased as aforesaid, were then and there held by him, the said James H. Britton, in trust, for the use of said association, and which said shares of stock were not purchased as aforesaid in order to prevent loss upon any debt theretofore contracted with said association in good faith.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, president as aforesaid, did then and there, by means of the payment aforesaid, in manner and form aforesaid, wilfully misapplied the said sum of twenty-nine hundred and ciation, with intent then and there on the part of him, the said James seventy-five dollars of the moneys and funds as aforesaid of said asso- H. Britton, to injure and defraud the said association and certain persons to the jurors aforesaid unknown, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

120 86. And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the thirtieth day of April, in the year of our Lord one thousand eight hundred and seventy-seven, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did pay to a certain person to to the jurors aforesaid unknown a large sum of money, to wit, twenty-one hundred dollars, out of the moneys and funds then and there belonging to and the property of said association, in the purchase by him, the said James H. Britton, from said unknown person, of a large number, to wit, thirty-five certain shares of the capital stock of said association, which said shares of stock were then and there represented upon the books of said association to be the property of one J. W.

Green, whose christian name is to said jurors unknown, and which said shares of stock so purchased as aforesaid were then and there held by him, the said James H. Britton, in trust, for the use of said association, and which said shares of stock were not purchased as aforesaid in order to prevent loss upon any debt theretofore contracted with said association in good faith.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, president as aforesaid, did then and there, by means of the payment aforesaid, in manner and form aforesaid, wilfully misapplied the said sum of twenty-one hundred dollars of the moneys and funds as aforesaid of said association, with intent then and there on the part of him, the said James H. Britton, to injure and defraud the said association and certain persons to the jurors aforesaid unknown, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

121 87. And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the second day of May, in the year of our Lord one thousand eight hundred and seventy-seven, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did pay to a certain person to the jurors aforesaid unknown a large sum of money, to wit, twenty-five hundred and eighty dollars, out of the moneys and funds then and there belonging to and the property of said association, in the purchase by him, the said James H. Britton, from said unknown person, of a large number, to wit, forty-three certain shares of the capital stock of said association, which said shares of stock were then and there represented upon the books of said association to be the property of one Richard C. Martin, and which said shares of stock, so purchased as aforesaid, were then and there held by him, the said James H. Britton, in trust, for the use of said association, and which said shares of stock were not purchased as aforesaid in order to prevent loss upon any debt theretofore contracted with said association in good faith.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, president as aforesaid, did then and there, by means of the payment aforesaid, in manner and form aforesaid, wilfully misapplied the said sum of twenty-five hundred and eighty dollars of the moneys and funds as aforesaid of said association, with intent then and there on the part of him, the said James H. Britton, to injure and defraud the said association and certain persons to the jurors aforesaid unknown, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

122 88. And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the twelve day of May, in the year of our Lord one thousand eight hundred and seventy-seven, at said district, being then and there

president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did pay to a certain person to the jurors aforesaid unknown, a large sum of money, to wit, thirteen hundred and eighty dollars, out of the moneys and funds then and there belonging to and the property of said association, in the purchase by him, the said James H. Britton, from said unknown person, of a large number, to wit, twenty certain shares of the capital stock of said association, which said shares of stock were then and there represented upon the books of said association to be the property of one Helen R. Mason, and which said shares of stock so purchased as aforesaid were then and there held by him, th esaid James H. Britton, in trust, for the use of said association, and which said shares of stock were not purchased as aforesaid in order to prevent loss upon any debt theretofore contracted with said association in good faith.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, president as aforesaid, did then and there, by means of the payment aforesaid, in manner and form aforesaid, wilfully misapplied the said sum of thirteen hundred and eighty dollars of the moneys and funds as aforesaid of said association, with intent then and there on the part of him, the said James H. Britton, to injure and defraud the said association, and certain persons to the jurors aforesaid unknown, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

123 89. And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the sixteenth day of May, in the year of our Lord one thousand eight hundred and seventy-seven, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did pay to a certain person to the jurors aforesaid unknown a large sum of money, to wit, three thousand dollars, out of the moneys and funds then and there belonging to and the property of said association, in the purchase by him, the said James H. Britton, from said unknown person, of a large number, to wit, fifty certain shares of the capital stock of said association, which said shares of stock were then and there represented upon the books of said association to be the property of one Russell Hinckley, and which said shares of stock so purchased as aforesaid were then and there held by

him, the said James H. Britton, in trust, for the use of said association, and which said shares of stock were not purchased as aforesaid, in order to prevent loss upon any debt theretofore contracted with said association in good faith.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, president as aforesaid, did then and there, by means of payment aforesaid, in manner and form aforesaid, wilfully misapplied the said sum of three thousand dollars of the moneys and funds as aforesaid of said association, with intent then and there on the part of him, the said James H. Britton, to injure and defraud the said association and certain persons to the jurors aforesaid unknown, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

124 90. And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the seventeenth day of May, in the year of our Lord one thousand eight hundred and seventy-seven, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did pay to a certain person to the jurors aforesaid unknown a large sum of money, to wit, thirty-four hundred and eighty dollars, out of the moneys and funds then and there belonging to and the property of said association, in the purchase by him, the said James H. Britton, from said unknown person, of a large number, to wit, fifty-eight certain shares of the capital stock of said association, which said shares of stock were then and there represented upon the books of said association to be the property of one Edward Walsh, junior, and which said shares of stock so purchased as aforesaid were then and there held by him, the said James H. Britton, in trust, for the use of said association, and which said shares of stock were not purchased as aforesaid in order to prevent loss upon any debt theretofore contracted with said association in good faith.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, president as aforesaid, did then and there, by means of the payment aforesaid, in manner and form aforesaid, wilfully misapplied the said sum of thirty-four hundred and eighty dollars of the moneys and funds as aforesaid of said association, with intent then and there on the part of him, the said James H. Britton, to injure and defraud the said association and certain persons to the jurors aforesaid unknown, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

125 91. And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the eighteenth day of May, in the year of our Lord one thousand eight hundred and seventy-seven, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri,

in St. Louis," which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did pay to a certain person to the jurors aforesaid unknown a large sum of money, to wit, eighty-nine hundred and twenty-five dollars, out of the moneys and funds then and there belonging to and the property of said association, in the purchase by him, the said James H. Britton, from said unknown person, of a large number, to wit, one hundred and fifty certain shares of the capital stock of said association, which said shares of stock were then and there represented upon the books of said association to be the property of one Benjamin Stickney, and which said shares of stock so purchased as aforesaid were then and there held by him, the said James H. Britton, in trust, for the use of said association, and which said shares of stock were not purchased as aforesaid in order to prevent loss upon any debt theretofore contracted with said association in good faith.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, president as aforesaid, did then and there, by means of the payment aforesaid, in manner and form aforesaid, wilfully misapplied the said sum of eighty-nine hundred and twenty-five dollars of the moneys and funds as aforesaid of said association, with intent then and there on the part of him, the said James H. Britton, to injure and defraud the said association and certain persons to the jurors aforesaid unknown, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

126 92. And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the eighteenth day of May, in the year of our Lord one thousand eight hundred and seventy-seven, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did pay to a certain person to the jurors aforesaid unknown a large sum of money, to wit, twenty-nine hundred and fifty dollars, out of the moneys and funds then and there belonging to and property of said association, in the purchase by him, the said James H. Britton, from said unknown person, of a large number, to wit, fifty certain shares of the capital stock of said association, which said shares of stock were then and there represented upon the books of said association to be the property of one R. Wadeson, whose christian name is to said jurors unknown, and which said shares of stock so purchased as aforesaid were then and there held by him, the said James H. Britton, in trust, for the use and benefit of said association, and which said shares of stock were not pur-

chased as aforesaid in order to prevent loss upon any debt theretofore contracted with said association in good faith.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, president as aforesaid, did then and there, by means of the payment aforesaid, in manner and form aforesaid, wilfully misapplied the said sum of twenty-nine hundred and fifty dollars of the moneys and funds as aforesaid of said association, with intent then and there on the part of him, the said James H. Britton, to injure and defraud the said association and certain persons to the jurors aforesaid unknown, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

127 93. And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the eighteenth day of May, in the year of our Lord one thousand eight hundred and seventy-seven, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did pay to a certain person to the jurors aforesaid unknown a large sum of money, to wit, forty-seven hundred and twenty dollars, out of the moneys and funds then and there belonging to and the property of said association, in the purchase by him, the said James H. Britton, from said unknown person, of a large number, to wit, eighty certain shares of the capital stock of said association, which said shares of stock were then and there represented upon the books of said association to be the property of one Solomon A. Smith, and which said shares of stock, so purchased as aforesaid were then and there held by him, the said James H. Britton, in trust for the use of said association, and which said shares of stock were not purchased as aforesaid in order to prevent loss upon any debt theretofore contracted with said association in good faith.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, president as aforesaid, did then and there, by means of the payment aforesaid, in manner and form aforesaid, wilfully misapplied the said sum of forty-seven hundred and twenty dollars of the moneys and funds as aforesaid of said association, with intent then and there on the part of him, the said James H. Britton, to injure and defraud the said association and certain persons to the jurors aforesaid unknown, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

128 94. And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the eighteenth day of May, in the year of our Lord one thousand eight hundred and seventy-seven, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and

organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did pay to a certain person to the jurors aforesaid unknown a large sum of money, to wit, three thousand and sixty dollars, out of the moneys and funds then and there belonging to and the property of said association, in the purchase by him, the said James H. Britton, from said unknown person, of a large number, to wit, fifty-one certain shares of the capital stock of said association, which said shares of stock were then and there represented upon the books of said association to be the property of one H. S. Lipcomb, whose christian name is to said jurors unknown, and which said shares of stock so purchased as aforesaid were then and there held by him, the said James H. Britton, in trust, for the use of said association, and which said shares of stock were not purchased as aforesaid in order to prevent loss upon any debt theretofore contracted with said association in good faith.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, president as aforesaid, did then and there, by means of the payment aforesaid, in manner and form aforesaid, wilfully misapplied the said sum of three thousand and sixty dollars of the moneys and funds as aforesaid of said association, with intent then and there on the part of him, the said James H. Britton, to injure and defraud the said association and certain persons to the jurors aforesaid unknown, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

129 95. And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the twenty-third day of May, in the year of our Lord one thousand eight hundred and seventy-seven, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did pay to a certain person to the jurors aforesaid unknown a large sum of money, to wit, twenty-one thousand nine hundred dollars, out of the moneys and funds then and there belonging to and the property of said association, in the purchase by him, the said James H. Britton, from said unknown person, of a large number, to wit, three hundred and sixty five certain shares of the capital stock of said association, which said shares of stock were then and there represented upon the books of said association to be the property of one Robert A. Barnes, and which said shares of stock so purchased as aforesaid were then and there held by him, the said James H. Britton, in trust, for the use of said association, and which said shares of stock were not pur-

chased as aforesaid in order to prevent loss upon any debt theretofore contracted with said association in good faith.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, president as aforesaid, did then and there, by means of the payment aforesaid, in manner and form aforesaid, wilfully misapplied the said sum of twenty-one thousand nine hundred dollars of the moneys and funds as aforesaid of said association, with intent then and there on the part of him, the said James H. Britton, to injure and defraud the said association and certain persons to the jurors aforesaid unknown, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

130 96. And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the twenty-eighth day of May, in the year of our Lord one thousand eight hundred and seventy-seven, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did pay to a certain person to the jurors aforesaid unknown a large sum of money, to wit, one hundred thousand dollars, out of the moneys and funds then and there belonging to and the property of said association, in the purchase by him, the said James H. Britton, from said unknown person, of a large number, to wit, one thousand certain shares of the capital stock of said association, which said shares of stock were then and there represented upon the books of said association to be the property of one John J. Roe, and which said shares of stock so purchased as aforesaid were then and there held by him, the said James H. Britton, in trust, for the use of said association, and which said shares of stock were not purchased as aforesaid in order to prevent loss upon any debt theretofore contracted with said association in good faith.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, president as aforesaid, did then and there, by means of the payment aforesaid, in manner and form aforesaid, wilfully misapplied the said sum of one hundred thousand dollars of the moneys and funds as aforesaid of said association, with intent then and there on the part of him, the said James H. Britton, to injure and defraud the said association and certain persons to the jurors aforesaid unknown, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

131 97. And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the second day of April, in the year of our Lord one thousand eight hundred and seventy-seven, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a

national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did pay to a certain person to the jurors aforesaid unknown a large sum of money, to wit, twenty-four hundred dollars, out of the moneys and funds then and there belonging to and the property of said association, in the purchase by him, the said James H. Britton, from said unknown person, of a large number, to wit, forty certain shares of the capital stock of said association, which said shares of stock were then and there represented upon the books of said association to be the property of one Francis Fisher, and which said shares of stock so purchased as aforesaid were then and there held by him, the said James H. Britton, in trust, for the use of said association, and which said shares of stock were not purchased as aforesaid in order to prevent loss upon any debt theretofore contracted with said association in good faith.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, president as aforesaid, did then and there, by means of the payment aforesaid, in manner and form aforesaid, wilfully misapplied the said sum of twenty-four hundred dollars of the moneys and funds as aforesaid of said association, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

132 98. And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the second day of April, in the year of our Lord one thousand eight hundred and seventy-seven, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did pay to a certain person to the jurors aforesaid unknown a large sum of money, to wit, twenty-four hundred dollars, out of the moneys and funds then and there belonging to and the property of said association, in the purchase by him, the said James H. Britton, from said unknown person, of a large number, to wit, forty certain shares of the capital stock of said association, which said shares of stock were then and there represented upon the books of said association to be the property of one Robert Campbell, and which said shares of stock, so purchased as aforesaid, were then and there held by him, the said James H. Britton, in trust, for the use of said association, and which said shares of stock were not purchased as aforesaid, in order to prevent loss upon any debt theretofore contracted with said association in good faith.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, president as aforesaid, did then and there, by means of the payment aforesaid, in manner and form aforesaid, wilfully misapplied the said sum of twenty-four hundred dollars

of the moneys and funds as aforesaid of said association, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

133 99. And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the tenth day of April, in the year of our Lord one thousand eight hundred and seventy-seven, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did pay to a certain person to the jurors aforesaid unknown a large sum of money, to wit, six thousand dollars, out of the moneys and funds then and there belonging to and the property of said association, in the purchase by him, the said James H. Britton, from said unknown person, of a large number, to wit, one hundred certain shares of the capital stock of said association, which said shares of stock were then and there represented upon the books of said association to be the property of one Hugh Campbell, and which said shares of stock so purchased as aforesaid were then and there held by him, the said James H. Britton, in trust, for the use of said association, and which said shares of stock were not purchased as aforesaid in order to prevent loss upon any debt theretofore contracted with said association in good faith.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, president as aforesaid, did then and there, by means of the payment aforesaid, in manner and form aforesaid, wilfully misapplied the said sum of six thousand dollars of the moneys and funds as aforesaid of said association, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

134 100. And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the eleventh day of April, in the year of our Lord one thousand eight hundred and seventy-seven, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did pay to a certain person to the jurors aforesaid unknown a large sum of money, to wit, thirteen thousand five hundred dollars, out of the moneys and funds then and there belonging to and the property of said association, in the purchase by him, the said James H. Britton, from said unknown person, of a large number, to wit, two hundred and

twenty-five certain shares of the capital stock of said association, which said shares of stock were then and there represented upon the books of said association to be the property of one Charles Wiggins, and which said shares of stock so purchased as aforesaid were then and there held by him, the said James H. Britton, in trust, for the use of said association, and which said shares of stock were not purchased as aforesaid in order to prevent loss upon any debt theretofore contracted with said association in good faith.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, president as aforesaid, did then and there, by means of the payment aforesaid, in manner and form aforesaid, wilfully misapplied the said sum of thirteen thousand five hundred dollars of the moneys and funds as aforesaid of said association, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

135 101. And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the eleventh day of April, in the year of our Lord one thousand eight hundred and seventy-seven, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did pay to a certain person, to the jurors aforesaid unknown, a large sum of money, to wit, twelve hundred dollars, out of the moneys and funds then and there belonging to and the property of said association, in the purchase by him, the said James H. Britton, from said unknown person, of a large number, to wit, twenty certain shares of the capital stock of said association, which said shares of stock were then and there represented upon the books of said association to be the property of one Isaac H. Loveland, and which said shares of stock so purchased as aforesaid were then and there held by him, the said James H. Britton, in trust for the use of said association, and which said shares of stock were not purchased as aforesaid in order to prevent loss upon any debt theretofore contracted with said association in good faith.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, president as aforesaid, did then and there, by means of the payment aforesaid, in manner and form aforesaid, wilfully misapplied the said sum of twelve hundred dollars of the moneys and funds as aforesaid of said association contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

136 102. And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the sixteenth day of April, in the year of our Lord one thousand eight hundred and seventy-seven, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act

to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did pay to a certain person to the jurors aforesaid unknown, a large sum of money, to wit, twenty-nine hundred and seventy-five dollars, out of the moneys and funds then and there belonging to and the property of said association, in the purchase by him, the said James H. Britton, from said unknown person, of a large number, to wit, fifty certain shares of the capital stock of said association, which said shares of stock were then and there represented upon the books of said association to be the property of one Julia Moffitt, and which said shares of stock so purchased as aforesaid were then and there held by him, the said James H. Britton, in trust, for the use of said association, and which said shares of stock were not purchased as aforesaid in order to prevent loss upon any debt theretofore contracted with said association in good faith.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, president as aforesaid, did then and there, by means of the payment aforesaid, in manner and form aforesaid, wilfully misapplied the said sum of twenty-nine hundred and seventy-five dollars of the moneys and funds as aforesaid of said association, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

137 103. And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the thirtieth day of April, in the year of our Lord one thousand eight hundred and seventy-seven, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did pay to a certain person to the jurors aforesaid unknown a large sum of money, to wit, twenty-one hundred dollars, out of the moneys and funds then and there belonging to and the property of said association, in the purchase by him, the said James H. Britton, from said unknown person, of a large number, to wit, thirty-five certain shares of the capital stock of said association, which said shares of stock were then and there represented upon the books of said association to be the property of one J. W. Green, whose christian name is to said jurors unknown, and which said shares of stock so purchased as aforesaid were then and there held by him, the said James H. Britton, in trust, for the use of said association, and which said shares of stock were not purchased as aforesaid in order to prevent loss upon any debt theretofore contracted with said association in good faith.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, president as aforesaid, did then and there, by means of the payment aforesaid, in manner and form afore-

said, wilfully misapplied the said sum of twenty-one hundred dollars of the moneys and funds as aforesaid of said association, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

138 104. And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the second day of May, in the year of our Lord one thousand eight hundred and seventy-seven, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did pay to a certain person to the jurors aforesaid unknown, a large sum of money, to wit, twenty-five hundred and eighty dollars, out of the moneys and funds then and there belonging to and the property of said association, in the purchase by him, the said James H. Britton, from said unknown person, of a large number, to wit, forty-three certain shares of the capital stock of said association, which said shares of stock were then and there represented upon the books of said association to be the property of one Richard C. Martin, and which said shares of stock, so purchased as aforesaid were then and there held by him, the said James H. Britton, in trust, for the use of said association, and which said shares of stock were not purchased as aforesaid, in order to prevent loss upon any debt theretofore contracted with said association in good faith.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, president as aforesaid, did then and there, by means of the payment aforesaid, in manner and form aforesaid, wilfully misapplied the said sum of twenty-five hundred and eighty dollars of the moneys and funds as aforesaid of said association, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

139 105. And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the second day of May, in the year of our Lord one thousand eight hundred and seventy-seven, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did pay to a certain person to the jurors aforesaid unknown a large sum of money, to wit, eighteen hundred dollars, out of the moneys and funds then and there belonging to and the property of said association, in the purchase by him, the said James H. Britton, from said unknown person, of a large number, to wit, thirty certain shares of the

capital stock of said association, which said shares of stock were then and there represented upon the books of said association to be the property of one R. B. Price, whose christian name is to said jurors unknown, and which said shares of stock so purchased as aforesaid were then and there held by him, the said James H. Britton, in trust, for the use of said association, and which said shares of stock were not purchased as aforesaid in order to prevent loss upon any debt theretofore contracted with said association in good faith.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, president as aforesaid, did then and there, by means of the payment aforesaid, in manner and form aforesaid, wilfully misapplied the said sum of eighteen hundred dollars of the moneys and funds as aforesaid of said association, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

140 106. And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the fourth day of May, in the year of our Lord one thousand eight hundred and seventy-seven, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured be a pledge of the United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and their acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did pay to a certain person to the jurors aforesaid unknown a large sum of money, to wit, seventeen hundred and eighty-five dollars, out of the moneys and funds then and there belonging to and the property of said association, in the purchase by him, the said James H. Britton, from said unknown person, of a large number, to wit, thirty certain shares of the capital stock of said association, which said shares of stock were then and there represented upon the books of said association to be the property of one Stephen D. Gore, and which said shares of stock so purchased as aforesaid were then and there held by him, the said James H. Britton, in trust, for the use of said association, and which said shares of stock were not purchased as aforesaid in order to prevent loss upon any debt theretofore contracted with said association in good faith.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, president as aforesaid, did then and there, by means of the payment aforesaid, in manner and form aforesaid, wilfully misapplied the sum of seventeen hundred and eighty-five dollars of the moneys and funds as aforesaid of said association, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

141 107. And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the ninth day of May, in the year of our Lord one thousand eight hundred and seventy-seven, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organ-

ized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did pay to a certain person to the jurors aforesaid unknown a large sum of money, to wit, fifteen hundred dollars, out of the moneys and funds then and there belonging to and the property of said association, in the purchase by him, the said James H. Britton, from said unknown person, of a large number, to wit, twenty-five certain shares of the capital stock of said association, which said shares of stock were then and there represented upon the books of said association to be the property of one John Knapp, and which said shares of stock so purchased as aforesaid were then and there held by him, the said James H. Britton, in trust, for the use of said association, and which said shares of stock were not purchased as aforesaid in order to prevent loss upon any debt theretofore contracted with said association in good faith.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, president as aforesaid, did then and there, by means of the payment aforesaid, in manner and form aforesaid, wilfully misapplied the said sum of fifteen hundred dollars of the moneys and funds as aforesaid of said association, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

142 108. And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the twelfth day of May, in the year of our Lord one thousand eight hundred and seventy-seven, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did pay to a certain person to the jurors aforesaid unknown a large sum of money, to wit, thirteen hundred and eighty dollars, out of the moneys and funds then and there belonging to and the property of said association, in the purchase by him, the said James H. Britton, from said unknown person, of a large number, to wit, twenty-three certain shares of the capital stock of said association, which said shares of stock were then and there represented upon the books of said association to be the property of one Helen R. Mason, and which said shares of stock so purchased as aforesaid were then and there held by him, the said James H. Britton, in trust, for the use of said association, and which said shares of stock were not purchased as aforesaid in order to prevent loss upon any debt theretofore contracted with said association in good faith.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, president as aforesaid, did then and there, by means of the payment aforesaid, in manner and form afore-

said, wilfully misapplied the said sum of thirteen hundred and eighty dollars of the moneys and funds as aforesaid of said association, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

143 109. And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the sixteenth day of May, in the year of our Lord one thousand eight hundred and seventy-seven, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized under and by virtue of an act of Congress entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did pay to a certain person to the jurors aforesaid unknown a large sum of money, to wit, three thousand dollars, out of the moneys and funds then and there belonging to and the property of said association in the purchase by him, the said James H. Britton, from said unknown person, of a large number, to wit, fifty certain shares of the capital stock of said association, which said shares of stock were then and there represented upon the books of said association to be the property of one Russell Hinckley, and which said shares of stock so purchased as aforesaid, were then and there held by him, the said James H. Britton, in trust, for the use of said association, and which said shares of stock were not purchased as aforesaid in order to prevent loss upon any debt theretofore contracted with said association in good faith.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, president as aforesaid, did then and there, by means of the payment aforesaid, in manner and form aforesaid, wilfully misapplied the said sum of three thousand dollars of the moneys and funds as aforesaid of said association, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

144 110. And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the seventeenth day of May, in the year of our Lord one thousand eight hundred and seventy-seven, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said acts of Congress and the acts amendatory thereof, did pay to a certain person to the jurors aforesaid unknown a large sum of money, to wit, thirty-four hundred and eighty dollars, out of the moneys and funds then and there belonging to and the property of said association, in the purchase by him, the said James H. Britton, from said unknown person, of a large number, to wit, fifty-eight certain shares of

the capital stock of said association, which said shares of stock were then and there represented upon the books of said association to be the property of one Edward Walsh, and which said shares of stock so purchased as aforesaid were then and there held by him, the said James H. Britton, in trust, for the use of said association, and which shares of stock were not purchased as aforesaid in order to prevent loss upon any debt theretofore contracted with said association in good faith.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, president as aforesaid, did then and there, by means of the payment aforesaid, in manner and form aforesaid, wilfully misapplied the said sum of thirty-four hundred and eighy dollars of the moneys and funds as aforesaid of said association, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

145 111. And the jurors aforesaid, on the iroaths aforesaid, do further present that the said James H. Britton, late of said district, on the eighteenth day of May, in the year of our Lord one thousand eight hundred and seventy-seven, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did pay a certain person to the jurors aforesaid unknown a large sum of money, to wit, eighty-nine hundred and twenty-five dollars, out of the moneys and funds then and there belonging to and the property of said association, in the purchase by him, the said James H. Britton, from said unknown person, of a large number, to wit, one hundred and fifty certain shares of the capital stock of said association, which said shares of stock were then and there represented upon the books of said association to be the property of one Benjamin Stickney, and which said shares of stock so purchased as aforesaid were then and there held by him, the said James H. Britton, in trust, for the use of said association, and which said shares of stock were not purchased as aforesaid in order to prevent loss upon any debt theretofore contracted with said association in good faith.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, president as aforesaid, did then and there, by means of the payment aforesaid, in manner and form aforesaid wilfully misapplied the said sum of eighty-nine hundred and twenty-five dollars of the moneys and funds as aforesaid of said association, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

146 112. And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the eighteenth day of May, in the year of our Lord one thousand eight hundred and seventy-seven, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to pro-

vide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did pay to a certain person to the jurors aforesaid unknown a large sum of money, to wit, twenty-nine hundred and fifty dollars, out of the moneys and funds then and there belonging to and the property of said association, in the purchase by him, the said James H. Britton, from said unknown person of a large number, to wit, fifty certain shares of the capital stock of said association, which said shares of stock were then and there represented upon the books of said association to be the property of one R. Wadeson, whose christian name is to said jurors unknown, and which said shares of stock so purchased as aforesaid were then and there held by him, the said James H. Britton, in trust, for the use of said association, and which said shares of stock were not purchased as aforesaid in order to prevent loss upon any debt theretofore contracted with said association in good faith.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, president as aforesaid, did then and there, by means of the payment aforesaid, in manner and form aforesaid, wilfully misapplied the said sum of twenty-nine hundred and fifty dollars of the moneys and funds as aforesaid of said association, contrary to the form of the statute of the United States in such case made and provided, and against and their peace and dignity.

147 113. And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the eighteenth day of May, in the year of our Lord one thousand eight hundred and seventy-seven, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did pay to a certain person to the jurors aforesaid unknown, a large sum of money, to wit, forty-seven hundred and twenty dollars, out of the moneys and funds then and there belonging to and the property of said association, in the purchase by him, the said James H. Britton, from said unknown person, of a large number, to wit, eighty certain shares of the capital stock of said association, which said shares of stock were then and there represented upon the books of said association to be the property of one Solomon A. Smith, and which said shares of stock so purchased as aforesaid were then and there held by him, the said James H. Britton, in trust, for the use of said association, and which said shares of stock were not purchased as aforesaid in order to prevent loss upon any debt theretofore contracted with said association in good faith.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, president as aforesaid, did then and there, by means of the payment aforesaid, in manner and form afore-

said, wilfully misapplied the said sum of forty-seven hundred and twenty dollars of the moneys and funds as aforesaid of said association, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

148 114. And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the eighteenth day of May, in the year of our Lord one thousand eight hundred and seventy-seven, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did pay to a certain person to the jurors aforesaid unknown, a large sum of money, to wit, three thousand and sixty dollars, out of the moneys and funds then and there belonging to and the property of said association, in the purchase by him, the said James H. Britton, from said unknown person, of a large number, to wit, fifty-one certain shares of the capital stock of said association, which said shares of stock were then and there represented upon the books of said association to be the property of one H. S. Lipcomb whose christian name is to said jurors unknown, and which said shares of stock so purchased as aforesaid were then and there held by him, the said James H. Britton, in trust, for the use and benefit of said association, and which said shares of stock were not purchased as aforesaid in order to prevent loss upon any debt theretofore contracted with said association in good faith.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, president as aforesaid, did then and there, by means of the payment aforesaid, in manner and form aforesaid, wilfully misapplied the said sum of three thousand and sixty dollars of the moneys and funds as aforesaid of said association, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

149 115. And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the twenty-third day of May, in the year of our Lord one thousand eight hundred and seventy-seven, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord, one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did pay to a certain person to the jurors aforesaid unknown a large sum of money, to wit, twenty-one thousand nine hundred dollars, out of the moneys and funds then and there belonging to and the property of said association, in the purchase by him, the said James H.

Britton, from said unknown person, of a large number, to wit, three hundred and sixty-five certain shares of the capital stock of said association, which said shares of stock were then and there represented upon the books of said association to be the property of one Robert A. Barnes, and which said shares of stock so purchased as aforesaid were then and there held by him, the said James H. Britton, in trust, for the use of said association, and which said shares of stock were not purchased as aforesaid in order to prevent loss upon any debt theretofore contracted with said association in good faith.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, president as aforesaid, did then and there, by means of the payment aforesaid, in manner and form aforesaid, wilfully misapplied the said sum of twenty-one thousand nine hundred dollars of the moneys and funds as aforesaid of said association, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

150 116. And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, late of said district, on the twenty-eight' day of May, in the year of our Lord one thousand eight hundred and seventy-seven, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and the acts amendatory thereof, did pay to a certain person to the jurors aforesaid unknown a large sum of money, to wit, one hundred thousand dollars, out of the moneys and funds then and there belonging to and the property of said association, in the purchase by him, the said James H. Britton, from said unknown person, of a large number, to wit, one thousand certain shares of the capital stock of said association, which said shares of stock were then and there represented upon the books of said association to be the property of one John J. Roe, and which said shares of stock, so purchased as aforesaid, were then and there held by him, the said James H. Britton, in trust, for the use and benefit of said association, and which said shares of stock were not purchased as aforesaid in order to prevent loss upon any debt theretofore contracted with said association in good faith.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, president as aforesaid, did then and there, by means of the payment aforesaid, in manner and form aforesaid, wilfully misapplied the said sum of one hundred thousand dollars of the moneys and funds as aforesaid of said association, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

151 117. And the jurors aforesaid, on their oaths aforesaid, do further present that said James H. Britton, late of said district, on the thirtieth day of June, in the year of our Lord one thousand eight hundred and seventy-six, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St.

Louis," which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and acts amendatory thereof, did make in a certain book then and there belonging to and in use by the said association in transacting its said banking business, and then and there known and designated as "Journal E," on page numbered three hundred and thirty-eight of said book, a certain entry in the words and figures following, that is to say: "Profit & loss: Ex., 58.98; dis., 172.99; com. N. Y., .88; cash, 75,952.66—76,185.51;" and which said entry so as aforesaid made in said book then and there pur-
152 ported to show, and did, in substance and effect, indicate and declare, that the sum of seventy-six thousand one hundred and eighty-five dollars and fifty-one cents was then and there received of said association on account of profits derived from its said banking business.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said entry so made as aforesaid was then and there false in this, that of the said sum of seventy-six thousand one hundred and eighty-five dollars and fifty-one cents a large portion, to wit, the sum of seventy thousand dollars, was not then and there received by said association, as he, the said James H. Britton, then and there well knew; and further, that said entry so made as aforesaid was also then and there false in this, that of the said sum of seventy-six thousand one hundred and eighty-five dollars and fifty-one cents a large portion, to wit, the sum of seventy thousand dollars, was not then and there received by said association on account of profits derived from its said banking business, as he, the said James H. Britton, then and there well knew; that said false entry was then and there made by him, the said James H. Britton, with intent then and there on the part of him, the said James H. Britton, to injure and defraud the said associa-
153 tion and certain persons to the jurors aforesaid unknown, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

118. And the jurors aforesaid, on their oaths aforesaid, do further present that said James H. Britton, late of said district, on the thirtieth day of June, in the year of our Lord one thousand eight hundred and seventy-six, at said district, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," which said association had been theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business in the city of St. Louis, in said district, under the said act of Congress and acts amendatory thereof, did make in a certain book then and there belonging to and in use by the said association in transacting its said banking business, and then and there known and designated as "Journal E," on page numbered three hundred and thirty-
154 eight of said book, a certain entry in the words and figures fol-

lowing, that is to say: "Profit & loss: Ex. 58.98; dis., 172.90; com. N. Y., .88; cash, 75,952.66—76,185.51;" and which said entry so as aforesaid made in said book then and there purported to show, and did, in substance and effect, indicate and declare, that the sum of seventy-six thousand one hundred and eighty-five dollars and fifty-one cents was then and there received by said association on account of profits derived from its said banking business.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said entry so made as aforesaid was then and there false in this, that of the said sum of seventy-six thousand one hundred and eighty-five dollars and fifty-one cents a large portion, to wit, the sum of seventy thousand dollars, was not then and there received by said association, as he, the said James H. Britton, then and there well knew; and further, that said entry so made as aforesaid was also then and there false in this, that of the said sum of seventy *of seventy*-six thousand one hundred and eighty-five dollars and fifty-one cents a large portion, to wit, the sum of seventy thousand dollars, was not then and there received by said association on account of profits derived from its said banking business, as he, the said James H. Britton, then and
155 there well knew; and that said false entry was then and there made as aforesaid with intent on the part of him, the said James H. Britton, then and there to deceive any agent who might be thereafter appointed by the Comptroller of the Currency of the United States to examine the affairs of said association, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

119. And the jurors aforesaid, on their oaths aforesaid, do further present that heretofore, to wit, on the twenty-fifth day of April, in the year of our Lord one thousand eight hundred and seventy-seven, at said district, said James H. Britton, being then and there president of a certain national banking association then and there known and designated as the "National Bank of the State of Missouri, in St. Louis," theretofore created and organized under and by virtue of an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, in the year of our Lord one thousand eight hundred and sixty-four, and which said association was then and there acting and carrying on a banking business under and by virtue of said act and acts amendatory thereof, in the
156 city of Saint Louis, in said district, did pay out of the moneys then and there belonging to said association the sum of twenty thousand eight hundred dollars, in the purchase, for the use of said association, from himself, the said James H. Britton, of certain shares of stock, to wit, eighteen thousand eight hundred dollars for one hundred and eighty-eight shares of the capital stock of the Third National Bank of St. Louis; one thousand dollars for one hundred shares of the capital stock of the Valley National Bank of St. Louis, and one thousand dollars for one hundred shares of the Commercial Bank of St. Louis, which said banks were then and there associations doing a banking business in the said city of St. Louis, within said district; that the actual value of the said shares of stock was then an amount greatly less than the said amounts then and there so paid therefor, that is say, the said one hundred and eighty-eight shares of the capital stock of the said Third National Bank of Saint Louis were then and there of the value of fifteen thousand nine hundred and eighty dollars, and no

more, as he, the said James H. Britton, president as aforesaid, then and there well knew; the said one hundred shares of the capital stock of said Valley National Bank were then and there of the value of six hundred dollars, and no more, as he, the said James H. Britton, president as aforesaid, then and there well knew, and the said one hundred
157 shares of the capital stock of said Commercial Bank of Saint Louis were then and there of the value of fourteen hundred dollars, and no more, as he, the said James H. Britton, president as aforesaid, then and there well knew; that the difference between the said actual value of said shares of stock so purchased as aforesaid and the amount of said moneys so paid in the purchase of the same as aforesaid was the sum of two thousand eight hundred and twenty dollars.

And the jurors aforesaid, on their oaths aforesaid, do further present that the said James H. Britton, president as aforesaid, did then and there, by means of the purchase of said shares of stock as aforesaid, wilfully misapply the amount of the said difference, to wit, the sum of two thousand eight hundred and twenty dollars, then and there moneys of said "National Bank of the State of Missouri, in St. Louis," with intent then and there on the part of him, the said James H. Britton, to injure and defraud the said association last named and certain persons to the jurors aforesaid unknown, contrary to the form of the statute of the United States in such case made and provided, and against their peace and dignity.

WILLIAM H. BLISS,
Attorney of the United States for the Eastern District of Missouri.

158 And afterwards, at a regular stated term of the district court of the United States in and for the eastern district of Missouri, begun and holden at the city of Saint Louis, in said eastern district, on the first Monday, the fourth day, of November, A. D. eighteen hundred and seventy-eight, the following proceedings were had of record in this case on Monday, the twentieth day of Janua'y, A. D. eighteen hundred and seventy-nine, to wit:

Arraignment and plea.

THE UNITED STATES, PLAINTIFF, *ag'st* JAMES H. BRITTON, DEFENDANT. } No. 1476. Indictment for violation of section 5209 of the Revised Statutes of the U. S.

This day comes the said United States, by district attorney, and the said defendant being personally present in court, on motion of the district attorney, it is ordered that the said defendant be arraigned upon the indictment herein against him; and thereupon the said defendant waives the reading of said indictment and formal arraignment thereon, and pleads not guilty to the charges as contained in said indictment.

Recognizance of defendant.

And the said defendant, not being ready for trial on this day, on his application he is permitted to give bail for his appearance herein, the amount of such bail being fixed by the court at the sum of ten thousand dollars; and thereupon the said James H. Britton, as principal, and James Lupe and Edward Walsh, as sureties, personally appeared in open court and acknowledged themselves to owe and be indebted to the said United States of America, jointly and severally, in the

159 sum of ten thousand dollars, to be levied of their respective goods and chattels, lands and tenements, and to the said United States of America rendered; conditioned, however, to be void if he, the said defendant, James H. Britton, shall personally be and appear at and before this court on the first Monday, the fifth day, of the month of May next (1879), to answer to the charges as contained in the said indictment herein against him; and if he shall appear from day to day thereafter, and from time to time, or at any time at any future term or day of the term of this court as may be ordered by said court, until discharged upon the said indictment herein; and further, if he, the said James H. Britton, shall then and there obey all the orders which may be made by said court in relation to said indictment during the pending of the same, and not depart from said court without leave thereof.

And afterwards, at a regular stated term of the district court of the United States in and for the eastern district of Missouri, begun and holden at the city of Saint Louis, in said eastern district, on the first Monday, the fifth day, of May, A. D. eighteen hundred and seventy-nine, the following further proceedings were had of record in this case on Tuesday, the sixth day of May, A. D. eighteen hundred and seventy-nine, to wit:

160 *Plea not guilty withdrawn, &c.*

THE UNITED STATES, PLAINTIFF, *ag'st* JAMES H. BRITTON, DEFENDANT. } No. 1476. Indictment for violation of section 5209 of Revised Statutes of U. S.

This day comes the United States, by district attorney, and the said defendant being present in court in compliance with the recognizance heretofore entered into by him herein, the said defendant, with the leave of the court, withdraws his plea of not guilty, heretofore entered by him in this cause, and on the application of said defendant, by his attorneys, leave is given him to *life* a demurrer to the said indictment herein, which demurrer is therefore accordingly filed, and it is ordered that the said demurrer be, and the same is hereby, now set down for argument on Thursday, the fifteenth day of May next (1879).

And the said demurrer so filed as aforesaid is in the words and figures following, to wit:

Demurrer.

In the district court of the United States in and for the eastern district of Missouri.

THE UNITED STATES *against* JAMES H. BRITTON. }

And now comes the said defendant, James H. Britton, in his own proper person, and having he'rd the said indictment read, says that the said indictment and the matters contained, in manner and form as the same are above stated and set forth, are not sufficient in law, and that he is not bound to answer the same; and this he is ready to verify.

Wherefore he prays judgment, and that by the court he may be
161 discharged from said premises in the said indictment specified.

JOHN B. HENDERSON,
CHESTER H. KRUM,
Attorneys for s'd Defendant.

And afterwards, at said last-mentioned regular stated term of said district court, begun and holden as aforesaid, the following further proceedings were had of record in this case, on Friday, the *the* sixteenth day of May, A. D. eighteen hundred and seventy-nine, to wit:

Order remitting indictment to circuit court.

THE UNITED STATES, PLAINTIFF, *ag'st* JAMES H. BRITTON, DEFENDANT. } No. 1476. Indictment for violation of section 5209 of Revised Statutes of the U. S.

This day comes the United States, by *by* district attorney, and on the motion of said attorney, it is ordered that the indictment pending in this court in the above entitled cause be, and hereby is, now remitted and transfer'ed to the next regular stated term and session of the circuit court of the United States in and for the eastern district of Missouri, to be begun and holden at the city of St. Louis, in said district, on the third Monday, the fifteenth day, of September next (1879), for proceedings thereon according to law; and it is also ordered by the court that the said defendant, James H. Britton, be and appear at and before the said circuit court on said third Monday of September next, and at said regular stated term thereof, then and there to answer to the charges as contained in the said indictment herein against
162 him, and not depart from said circuit court without leave thereof, in obedience to the recognizance heretofore entered into by him in said cause; and it is further ordered that the clerk of this court make out and certify to the said circuit court a full and complete transcrip' of the record and proceedings in said cause.

163 UNITED STATES OF AMERICA,
Eastern District of Missouri, set:

I, Joseph H. Clark, clerk of the district court of the United States in and for the eastern district of Missouri, do hereby certify the writing hereto annexed to be a true transcript of the record and proceedings in case No. 1476, A. D. 1879, of the United States, plaintiff, against James H. Britton, defendant, as fully as the same remains on file and of record in said case in my office.

In witness whereof I hereunto subscribe my name and affix the seal of said court, at office in the city of St. Louis, in said district, this 18th day of August, in the year of our Lord eighteen hundred and seventy-nine.

[SEAL.] JOSEPH H. CLARK,
Clerk of said Court.

164 And afterwards the following proceedings were had of record in said cause, to wit:

Ordered, that the following be entered nunc pro tunc*t* as of February 4th, A. D. 1880:

THE UNITED STATES, PLAINTIFF, *vs.* JAMES H. BRITTON, DEFENDANT. } 1530.

Now at this day comes the United States, by William H. Bliss, esquire, district attorney, and the defendant being in court in compliance with his recognizance herein, and by his attorneys, this cause

came on for hearing upon the demurrer of said defendant to the indictment herein, and upon the questions of law arising upon said demurrer the judges were divided and opposed in opinion. It is therefore ordered that the clerk of this court make out and certify to the next term of the Supreme Court of the United States a transcript of the record and proceedings in this cause as fully as the same are described in the certificate of division this day filed.

MENCE.—His honor Judge Treat took no part in the hearing of this case.

165 *Certificate of division.*

UNITED STATES OF AMERICA,
Eastern District of Missouri, ss:

In the circuit court of the United States in and for said eastern district of Missouri.

UNITED STATES
vs.
JAMES H. BRITTON. } No. 1530.

This is an indictment under *of* 5209 of the Revised Statutes of the United States, charging the defendant, as president of a banking association, with having wilfully misapplied the funds of said association. Said indictment is in words and figures following, to wit: (See page 1.) To which indictment a demurrer was interposed, as follows: (See page 155–6.) And the said demurrer to said indictment coming on to be heard at this term, the following questions arose:

1st. Whether it was necessary, in the counts of said indictment charging a fraudulent purchase by the defendant of certain
166 shares of the capital stock of said association to state for whose use the purchase was made, and whether, where it is charged in the indictment that the purchase of stock was made for the use of the bank, such averment vitiates the indictment.

2nd. Whether it was necessary in the said counts to allege that the purchase of stock was not made in order to prevent loss on same previously contracted debt.

3rd. Whether it was necessary in the said counts to set forth the means by which the defendant, as president of said bank, possessed himself of the monies of the bank, which he employed in purchasing said stock.

4th. Whether it was necessary to charge in the said counts that the defendant, as president of the bank, was in possession of the funds of the bank, in addition to charging misapplication of said funds.

5th. Whether the counts of said indictment, charging the fraudulent purchase by the defendant, as president of said banking association, of certain shares of stock "in trust, for the use of said association and which said shares of stock were not purchased as aforesaid in order to prevent loss upon any debts theretofore contracted with said as-
167 sociation in good faith," alleged with sufficient certainty an offence under said § 5209 of the Revised Statutes of the United States.

6th. Whether count No. 116 of the said indictment charges with sufficient certainty an offence under said § 5209 of the Revised Statutes of the United States.

7th. Whether it is necessary in an indictment under section 5209 of the Revised Statutes charging willful misapplication of the funds of a banking association to allege that such misapplication was with intent to defraud.

8th. Whether the purchase of stock in violation of section 5201 of the Revised Statutes of the United States, if made with intent to defraud and by one or more of the officers of the bank named in said section 5209 of the Revised Statutes, is a crime punishable under the latter section.

9th. Whether those counts which cover alleged false entries sufficiently state an offence under section 5209.

On which questions the judges were divided and opposed in opinion; whereupon, upon motion of the plaintiff, by its attorney, that the said points upon which the disagreement hath happened may during
168 the term be stated under the direction of the judges and certified under the seal of the court to the Supreme Court to be finally decided:

It is ordered that the foregoing state of the pleadings and questions be certified according to the request of plaintiff by its attorneys and as required by the law in that case made and provided.

Given under our hands and seals this fourth day of February, A. D. 1880.

GEO. W. McCRARY. [SEAL.]
HENRY C. CALDWELL. [SEAL.]

169 UNITED STATES OF AMERICA,
Eastern District of Missouri, ss:

I, M. M. Price, clerk of the circuit court of the United States in and for the eastern district of Missouri, do hereby certify that the writing hereto attached to be a true transcript of the pleadings and proceedings in case No. 1530 of The United States, plaintiff, against James H. Britton, defendant, as fully as the same remain on file and of record in said case in my office.

In witness whereof I hereunto subscribe my name and affix the seal of said court, at office in the city of St. Louis, in said district, this 1st day of September, in the year of our Lord eighteen hundred and eighty.

[SEAL.]

M. M. PRICE,
Clerk of said Court,
By A. P. SELBY,
Deputy.

(Indorsement on cover:) No. 406. The United States, plaintiff, vs. James H. Britton. E. Missouri C. C. U. S. Filed 18th October, 1880.

17-655

TRANSCRIPT OF RECORD.

SUPREME COURT OF THE UNITED STATES.

No. 407.

THE UNITED STATES, PLAINTIFF,

vs.

JAMES H. BRITTON.

ON A CERTIFICATE OF DIVISION IN OPINION BETWEEN THE JUDGES OF THE CIRCUIT COURT OF THE UNITED STATES FOR THE EASTERN DISTRICT OF MISSOURI.

FILED OCTOBER 18, 1880.

7th. Whether it is necessary in an indictment under section 5209 of the Revised Statutes charging willful misapplication of the funds of a banking association to allege that such misapplication was with intent to defraud.

8th. Whether the purchase of stock in violation of section 5201 of the Revised Statutes of the United States, if made with intent to defraud and by one or more of the officers of the bank named in said section 5209 of the Revised Statutes, is a crime punishable under the latter section.

9th. Whether those counts which cover alleged false entries sufficiently state an offence under section 5209.

On which questions the judges were divided and opposed in opinion; whereupon, upon motion of the plaintiff, by its attorney, that the said points upon which the disagreement hath happened may during
168 the term be stated under the direction of the judges and certified under the seal of the court to the Supreme Court to be finally decided:

It is ordered that the foregoing state of the pleadings and questions be certified according to the request of plaintiff by its attorneys and as required by the law in that case made and provided.

Given under our hands and seals this fourth day of February, A. D. 1880.

GEO. W. McCRARY. [SEAL.]
HENRY C. CALDWELL. [SEAL.]

169 UNITED STATES OF AMERICA,
Eastern District of Missouri, ss:

I, M. M. Price, clerk of the circuit court of the United States in and for the eastern district of Missouri, do hereby certify that the writing hereto attached to be a true transcript of the pleadings and proceedings in case No. 1530 of The United States, plaintiff, against James H. Britton, defendant, as fully as the same remain on file and of record in said case in my office.

In witness whereof I hereunto subscribe my name and affix the seal of said court, at office in the city of St. Louis, in said district, this 1st day of September, in the year of our Lord eighteen hundred and eighty.

[SEAL.]

M. M. PRICE,
Clerk of said Court.
By A. P. SELBY,
Deputy.

(Indorsement on cover:) No. 406. The United States, plaintiff, vs. James H. Britton. E. Missouri C. C. U. S. Filed 18th October, 1880.

17-655

TRANSCRIPT OF RECORD.

SUPREME COURT OF THE UNITED STATES.

No. 407.

THE UNITED STATES, PLAINTIFF,

vs.

JAMES H. BRITTON.

ON A CERTIFICATE OF DIVISION IN OPINION BETWEEN THE JUDGES OF THE CIRCUIT COURT OF THE UNITED STATES FOR THE EASTERN DISTRICT OF MISSOURI.

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